

APPEAL,CLOSED,DT\_FURSE,FPD,MLC2,MOTREF

Email All Attys

Email All Attys and Secondary Emails

**US District Court Electronic Case Filing System**  
**District of Utah (Central)**  
**CRIMINAL DOCKET FOR CASE #: 2:17-cr-00037-FB All Defendants**

Case title: USA v. Koerber

Date Filed: 01/18/2017

Date Terminated: 10/18/2019

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Assigned to: Judge Frederic Block

Appeals court case numbers:

17-4121 Tenth, 17-4128 Tenth,

18-4074 Tenth, 18-4116 Tenth

**Defendant (1)**

**Claud R. Koerber**

*TERMINATED: 10/18/2019*

*also known as*

Rick Koerber

*TERMINATED: 10/18/2019*

represented by **Robert K. Hunt**

UTAH FEDERAL DEFENDER OFFICE

46 W BROADWAY STE 110

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*LEAD ATTORNEY*

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*Designation: Public Defender or Community  
Defender Appointment*

**Amanda B. Mendenhall**

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*TERMINATED: 11/29/2017*

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**Pending Counts**

15:77q(a) and 77x FRAUDULENT  
INTERSTATE  
TRANSACTIONS/Fraud in the  
Offer and Sale of Securities  
(Securities Fraud); 18:2(a) and (b)  
Aiding and Abetting and Causing  
(1-4)

18:1343 FRAUD BY WIRE,  
RADIO, OR TELEVISION/Wire  
Fraud; 18:2(b) Aiding and Abetting  
(5-13)

18:1343 FRAUD BY WIRE,  
RADIO, OR TELEVISION/Wire  
Fraud; 18:2(b) Aiding and Abetting  
(14)

18:1957 ENGAGING IN  
MONETARY  
TRANSACTIONS/Money  
Laundering; 18:2(b) Aiding and  
Abetting  
(15-16)

26:7201 ATTEMPT TO EVADE  
OR DEFEAT TAX/Tax Evasion  
(17-18)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

**Disposition**

Defendant was found guilty after trial. BOP 170  
months. Supervised release 36 months with  
standard and special conditions. No fine. SPA  
\$1500.00. Restitution \$45,258,892.09

Defendant was found guilty after trial. BOP 170  
months. Supervised release 36 months with  
standard and special conditions. No fine. SPA  
\$1500.00. Restitution \$45,258,892.09

Dismissed

Defendant was found guilty after trial. BOP 170  
months. Supervised release 36 months with  
standard and special conditions. No fine. SPA  
\$1500.00. Restitution \$45,258,892.09

Defendant found not guilty at trial

**Disposition**

None

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

**Disposition**

None

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**Notice Party**

**Stacey Hirata**  
*TERMINATED: 09/26/2017*

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**Notice Party**

**Mary Schuman**

represented by **Mary Schuman**  
US PROBATION/PRETRIAL  
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PRO SE

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**Notice Party**

**Charles D. Brock**  
*TERMINATED: 01/09/2019*

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**Notice Party**

**Annie D. Carr**

represented by **Annie D. Carr**  
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**Notice Party**

**Victim Witness Coordinator**

represented by **Victim Witness Coordinator**  
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PRO SE

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**Plaintiff**

**USA**

represented by **Aaron B. Clark**  
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**TERMINATED: 03/16/2018**

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**ATTORNEY TO BE NOTICED**

*Designation: Assistant US Attorney*

Date Filed	#	Page	Docket Text
01/18/2017	<u>1</u>		INDICTMENT as to Claud R. Koerber (1) count(s) 1-4, 5-14, 15-16, 17-18. Assigned to Judge Dee Benson. (blh) (Entered: 01/19/2017)
01/19/2017	<u>2</u>		<b>**SEALED DOCUMENT**</b> Summons Issued in case as to Claud R. Koerber. Initial Appearance set for 2/16/2017 at 02:45 PM in Rm 8.400 before Magistrate Judge Evelyn J. Furse. (blh) (Entered: 01/19/2017)
01/30/2017	<u>3</u>		<b>**RESTRICTED DOCUMENT**</b> Summons Returned Executed on 1/30/2017 as to Claud R. Koerber (blh) (Entered: 02/01/2017)
02/16/2017	<u>4</u>		

		PROPOSED EXHIBIT LIST by USA as to Claud R. Koerber (Walz, Stewart) (Entered: 02/16/2017)
02/16/2017	<u>5</u>	PROPOSED WITNESS LIST by USA as to Claud R. Koerber (Walz, Stewart) (Entered: 02/16/2017)
02/16/2017	6	Minute Entry for proceedings held before Magistrate Judge Evelyn J. Furse: Initial Appearance/Arrestment as to Claud R. Koerber (1) Count 1-4,5-14,15-16,17-18 held on 2/16/2017. Defendant present, appearing on a summons. Rights and penalties explained. Financial Affidavit submitted. Court offered to appoint CJA counsel. Defendant declined to be appointed CJA Counsel. Court engaged in pro se colloquy. Court found that defendant knowingly and voluntarily waived his right to appointed and retained counsel. Defendant waived formal reading of the indictment. Plea of NOT GUILTY entered by the defendant. Oral motion for discovery was made by the defendant. Court GRANTED oral motion. Court orders all discovery to be provided freshly to the defendant. ( Discovery due by 3/2/2017., Proposed Jury Instructions along with proposed voir dire questions 4/21/2017., Motions due by 3/23/2017., Plea Agreement due by 4/3/2017., 20 Day Jury Trial set for 4/24/2017 at 08:30 AM in Rm 8.300 before Judge Dee Benson.) Government not seeking detention. PTS report reviewed. Court ordered defendant to be released on his own Personal Recognizance. SEE ORDER SETTING CONDITIONS OF RELEASE. Defendant made an oral motion to seal contact information. Government did not oppose the motion. Court GRANTS the motion to seal defendant's contact information. Attorney for Plaintiff: Stewart C. Walz, Aaron B. Clark, Ruth J. Hackford-Peer - AUSA. Interpreter: Not Needed. Probation Officer: Lorin Smith. Court Reporter: Electronic.(Time Start: 2:53:18, Time End: 3:26:53, Room 8.400.) Court Address: 351 South West Temple, Salt Lake City, Utah (lnp) (Entered: 02/16/2017)
02/16/2017	<u>8</u>	ORDER Setting Conditions of Release as to Claud R. Koerber. NOTE: Any future review of detention will remain with the magistrate judge who entered the first detention order, even if an order of referral to a different magistrate judge is entered on this defendant's case. Signed by Magistrate Judge Evelyn J. Furse on 2/16/2017.(lnp) (Entered: 02/17/2017)
02/16/2017	<u>9</u>	MOTION for Pretrial Release on Personal Recognizance filed by Claud R. Koerber. NOTE: Defendant's contact information redacted. (las) (Entered: 02/17/2017)
02/27/2017	<u>11</u>	First CERTIFICATE OF COMPLIANCE and Request for Reciprocal Discovery filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 02/27/2017)
03/01/2017	<u>12</u>	Stipulated MOTION for Protective Order by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order)(Hackford-Peer, Ruth) (Entered: 03/01/2017)
03/01/2017	<u>13</u>	STIPULATED PROTECTIVE ORDER - granting <u>12</u> Motion for Protective Order as to Claud R. Koerber (1). See Order for details re: Protected Information. Signed by Magistrate Judge Evelyn J. Furse on 3/1/17. (jmr) (Entered: 03/01/2017)
03/02/2017	<u>14</u>	

		MOTION for Extension of Time Deadline for Discovery by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order)(Hackford–Peer, Ruth) (Entered: 03/02/2017)
03/02/2017	<u>15</u>	Second CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 03/02/2017)
03/03/2017	<u>16</u>	<b>ORDER granting <u>14</u> Motion for Extension of Time to Provide Discovery as to Claud R. Koerber (1). Signed by Magistrate Judge Evelyn J. Furse on 3/3/2017. (blh)</b> (Entered: 03/03/2017)
03/03/2017	<u>17</u>	Third CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 03/03/2017)
03/07/2017	<u>18</u>	MOTION for Hearing <i>AND STATUS AND SCHEDULING CONFERENCE</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order)(Hackford–Peer, Ruth) (Entered: 03/07/2017)
03/08/2017	<u>19</u>	<b>ORDER for Status and Scheduling Conference (Hearing set for 3/14/2017 at 02:30 PM in Rm 8.300 before Judge Dee Benson) Signed by Judge Dee Benson on 3/8/2017. (blh)</b> (Entered: 03/08/2017)
03/09/2017	<u>20</u>	Fourth CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 03/09/2017)
03/14/2017	<u>21</u>	NOTICE OF ATTORNEY APPEARANCE Tyler L. Murray appearing for USA. (Murray, Tyler) (Entered: 03/14/2017)
03/14/2017	23	Minute Entry for proceedings held before Judge Dee Benson: Cnsl present. Mr. Koerber is representing himself. Status of the case reviewed. Mr. Koerber to contact Steven B. Killpack as stand by cnsl. Govt will file a motion to continue the jury trial set for April 24, 2017 at 8:30 p.m. Status Conference as to Claud R. Koerber held on 3/14/2017 Attorney for Plaintiff: Stu Walz, Tyler Murray and Ruth J. Hackford–Peer, Attorney for Defendant: Claud R. Koerber. Court Reporter: Ed Young. (reb) (Entered: 03/15/2017)
03/14/2017	<u>24</u>	MOTION to Compel Discovery and OBJECTION to Government's Certifications re Dkt. Nos. <u>11</u> , <u>15</u> , <u>17</u> , <u>20</u> filed by Claud R. Koerber (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18) NOTE: Defendant's contact information redacted. (blh) (Entered: 03/15/2017)
03/15/2017	<u>22</u>	<b>ORDER OF RECUSAL in case as to Claud R. Koerber. Judge Dee Benson recused. Case reassigned to Judge David Sam for all further proceedings. Signed by Judge Dee Benson on 3/14/2017.(jds)</b> (Entered: 03/15/2017)
03/16/2017	<u>25</u>	<b>ORDER OF RECUSAL – in case as to Claud R. Koerber. Judge David Sam recused. Case reassigned to Judge Jill N. Parrish for all further proceedings. Signed by Judge David Sam on 3/15/17.(jmr)</b> (Entered: 03/16/2017)
03/16/2017	<u>26</u>	

		MOTION for Speedy Trial <i>to Continue and Exclude Time Under Speedy Trial Act</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order Granting Motion)(Hackford–Peer, Ruth) (Entered: 03/16/2017)
03/23/2017	<u>27</u>	NOTICE of Government's Intention to Use Evidence Under Rule 12(b)(4)(A) by USA as to Claud R. Koerber (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Hackford–Peer, Ruth) (Entered: 03/23/2017)
03/23/2017	<u>28</u>	Fifth CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 03/23/2017)
03/24/2017	<u>29</u>	MOTION to Inspect, Reproduce and Copy Grand Jury Rolls, Master Wheel, and All Records of the Grand Jury Selection Process filed by Claud R. Koerber. (jlw) (Entered: 03/24/2017)
03/24/2017	<u>30</u>	RESPONSE to Motion by Claud R. Koerber re <u>26</u> MOTION for Speedy Trial <i>to Continue and Exclude Time Under Speedy Trial Act</i> (jlw) (Entered: 03/24/2017)
03/24/2017	<u>31</u>	MOTION for Extension of Time to Reset Pretrial Motion Deadline filed by Claud R. Koerber. (jlw) (Entered: 03/24/2017)
03/24/2017	<u>32</u>	REPLY TO RESPONSE to Motion by USA as to Claud R. Koerber re <u>26</u> MOTION for Speedy Trial <i>to Continue and Exclude Time Under Speedy Trial Act</i> (Walz, Stewart) (Entered: 03/24/2017)
03/24/2017	<u>33</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>31</u> MOTION for Extension of Time to Reset Pretrial Motion Deadline (Walz, Stewart) (Entered: 03/24/2017)
03/27/2017	<u>34</u>	<b>ORDER OF RECUSAL in case as to Claud R. Koerber. Judge Jill N. Parrish recused. Case reassigned to Judge Robert J. Shelby for all further proceedings. Signed by Judge Jill N. Parrish on 3/27/17.(jlw)</b> (Entered: 03/27/2017)
03/28/2017	<u>35</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>24</u> MOTION to Compel Discovery (Attachments: # <u>1</u> Exhibit 1: Kovalsky Declaration)(Hackford–Peer, Ruth) (Entered: 03/28/2017)
03/28/2017	<u>36</u>	REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>31</u> MOTION for Extension of Time to Reset Pretrial Motion Deadline (alt) (Entered: 03/29/2017)
04/03/2017	<u>37</u>	MOTION for Hearing <i>And Status And Scheduling Conference</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order)(Hackford–Peer, Ruth) (Entered: 04/03/2017)
04/05/2017	38	<b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by PMW chambers) Status Conference re: counsel set for 4/7/2017 at 02:30 PM in Rm 8.400 before Magistrate Judge Paul M. Warner. (ksm) (Entered: 04/05/2017)
04/05/2017	39	<b>ORDER REFERRING CASE to Magistrate Judge Paul M. Warner as to Claud R. Koerber under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. No attached document. Motions referred to Paul M. Warner. Signed by Judge Robert J. Shelby on 4/5/2017.(mjm)</b> (Entered: 04/05/2017)



04/05/2017	<u>40</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>29</u> MOTION to Inspect (Clark, Aaron) (Entered: 04/05/2017)
04/05/2017	41		<b><u>AMENDED NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated by PMW chambers) Status Conference reset for 4/11/2017 at 02:30 PM in Rm 8.400 before Magistrate Judge Paul M. Warner. (ksm) (Entered: 04/05/2017)
04/05/2017	42		Motions No Longer Referred as to Claud R. Koerber: <u>29</u> MOTION to Inspect (mjm) (Entered: 04/05/2017)
04/05/2017	43		MOTIONS as to Claud R. Koerber <u>31</u> MOTION for Extension of Time to Reset Pretrial Motion Deadline, <u>26</u> MOTION for Speedy Trial <i>to Continue and Exclude Time Under Speedy Trial Act</i> Referred to Judge Paul M. Warner. Motions referred to Paul M. Warner.(mjm) (Entered: 04/05/2017)
04/05/2017	44		<b><u>NOTICE OF HEARING ON MOTION</u></b> in case as to Claud R. Koerber re <u>29</u> MOTION to Inspect : (Notice generated by Mary Jane McNamee) Motion Hearing and Status/Scheduling Conference set for 4/14/2017 at 11:00 AM in Rm 7.300 before Judge Robert J. Shelby. Court Address: 351 South West Temple, Salt Lake City, Utah (mjm) Modified on 4/5/2017 – Notice of Hearing mailed to defendant Claud R. Koerber on 4/5/2017(mjm). (Entered: 04/05/2017)
04/05/2017	<u>45</u>		REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>24</u> MOTION to Compel Discovery & Objection to Government's Certifications. NOTE: Defendant 's contact information redacted. (jds) (Entered: 04/05/2017)
04/05/2017	46		<b>DOCKET TEXT ORDER granting <u>37</u> Motion for Hearing as to Claud R. Koerber (1) Signed by Judge Robert J. Shelby on 4/5/2017. No attached document. (mjm)</b> Modified on 4/5/2017 – Notice of Docket entry 46 sent to defendant Claud R. Koerber (mjm). (Entered: 04/05/2017)
04/06/2017	<u>47</u>		MOTION to Withdraw Document <i>Declaration of Lawrence Kovalsky</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Paul M. Warner.(Hackford–Peer, Ruth) (Entered: 04/06/2017)
04/07/2017	48		<b>DOCKET TEXT ORDER granting <u>47</u> Motion to Withdraw Document as to Claud R. Koerber (1) Signed by Magistrate Judge Paul M. Warner on 4/7/17. No attached document. (an)</b> (Entered: 04/07/2017)
04/07/2017	49		MOTIONS as to Claud R. Koerber <u>24</u> MOTION to Compel Discovery. Referred to Judge Paul M. Warner. Motions referred to Paul M. Warner.(mjm) (Entered: 04/07/2017)
04/11/2017	50		Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Status Conference as to Claud R. Koerber held on 4/11/2017. Counsel and Defendant present. Government was represented by Assistant United States Attorneys Stewart C. Walz, Tyler L. Murray, and Ruth J. Hackford–Peer. Mr. Koerber appeared pro se. With respect to the parties scheduling motions, Dkt. Nos. <u>26</u> and <u>31</u> , the court made findings on the record with a written order to follow. The appointment of Mr. Steven Killpack as counsel for Mr. Koerber discussed and the matter continued for resolution on Friday April 14, 2017. Attorney for Plaintiff: Stu Walz, Tyler Murray and Ruth Hackford–Peer, Attorney for Defendant: Rick Koerber(Pro Se). Interpreter: Not needed.

		Probation Officer: Not Needed. Court Reporter: Ray Fenlon/electronic.(Time Start: 2:35:41 pm, Time End: 4:08:08 pm, Room 8.4.) (ksm) (Entered: 04/12/2017)
04/12/2017	51	<b>DOCKET TEXT ORDER</b> as to Claud R. Koerber. All documents filed or submitted to the court by pro se Defendant Claud R. Koerber must include the name, bar number (if applicable), email addresses, and mailing addresses of any person that assisted in the preparation of the documents. No attached document. Signed by Magistrate Judge Paul M. Warner on 4/12/2017.(an) (Entered: 04/12/2017)
04/12/2017	<u>52</u>	<b>MEMORANDUM DECISION AND ORDER</b> granting in part and denying in part <u>31</u> Mr. Koerber Motion to Reset Pretrial Motion Deadline (1); granting <u>26</u> Governments Motion to Continue Trial and Exclude Time Under the Speedy Trial Act as to Claud R. Koerber. Discovery due by 6/1/2017, Pretrial motions due by 5/17/2017, Proposed Jury Instructions along with proposed voir dire questions 8/4/2017, Completely briefed motions in limine due by 7/31/2017, Plea Agreement due by 7/17/2017, Final Pretrial Conference set for 6/28/2017 at 01:30 PM in Rm 7.300 before Judge Robert J. Shelby. 6 Week Jury Trial set for 8/7/2017 at 09:00 AM in Rm 7.300 before Judge Robert J. Shelby. Signed by Magistrate Judge Paul M. Warner on 4/12/2017. Court Address: 351 South West Temple, Salt Lake City, Utah(jds) Modified docket text on 4/13/2017 (jds). (Entered: 04/12/2017)
04/12/2017		<b>Reset Hearing for date correction re 52</b> as to Claud R. Koerber: Final Pretrial Conference reset for 6/28/2017 at 01:30 PM in Rm 7.300 before Judge Robert J. Shelby. (jds) (Entered: 04/12/2017)
04/13/2017	<u>53</u>	<b>ORDER</b> as to Claud R. Koerber <b>VACATING Hearing previously set for Friday, April 14, 2017 at 11:00 a.m.</b> Judge Paul M. Warner will schedule a hearing for that time to address issues related to Mr. Koerber's representation. Signed by Judge Robert J. Shelby on 4/13/2017.(mjm) (Entered: 04/13/2017)
04/13/2017	54	<b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by PMW chambers) Status Conference re: counsel set for 4/14/2017 at 11:00 AM in Rm 8.400 before Magistrate Judge Paul M. Warner. (ksm) (Entered: 04/13/2017)
04/13/2017		<b>NOTICE VACATING Status Conference HEARING</b> as to Claud R. Koerber set for 4/14/2017 AT 11:00 a.m. before Judge Robert J. Shelby (Notice generated by Mary Jane McNamee) (mjm) (Entered: 04/13/2017)
04/13/2017	55	Motions No Longer Referred as to Claud R. Koerber: <u>24</u> MOTION to Compel Discovery (chambers) (Entered: 04/13/2017)
04/14/2017	56	<b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by Chambers) Status Conference re Counsel set for 4/14/2017 at 11:00 AM in Rm 8.400 before Magistrate Judge Paul M. Warner. (rks) (Entered: 04/14/2017)
04/14/2017		<b>NOTICE VACATING Motion HEARING</b> as to Claud R. Koerber set for 4/14/2017 at 11:00 am before Judge Shelby (Notice generated by RKS) (rks) (Entered: 04/14/2017)
04/14/2017	<u>57</u>	MOTION for Recusal of the Honorable Chief Magistrate Judge Paul Warner, filed by Claud R. Koerber. Motions referred to Paul M. Warner.(jds) (Entered: 04/14/2017)

		04/14/2017)
04/14/2017		Attorney update in case as to Claud R. Koerber. Attorney Rebecca H. Skordas for Claud R. Koerber added per hearing held on 4/14/2017 (ksm) (Entered: 04/14/2017)
04/14/2017	58	<b>DOCKET TEXT Order Appointing CJA Counsel as to Claud R. Koerber: Appointment of Attorney No attached document. Signed by Magistrate Judge Paul M. Warner on 4/14/17.(ksm)</b> (Entered: 04/14/2017)
04/14/2017	59	Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Status Conference as to Claud R. Koerber held on 4/14/2017. Government counsel present and Defendant present. Mr. Steve Killpack thanked and excused. The court appointed Ms. Rebecca Skordas as counsel of record for Mr. Koerber. The Motion to Recuse <u>57</u> is dismissed without prejudice to provide Mr. Koerber the benefit of counsel. Attorney for Plaintiff: Stu Walz and Aaron Clark, Attorney for Defendant: Rebecca Skordas, CJA. Interpreter: Not Needed. Probation Officer: Not needed. Court Reporter: electronic/Ray Fenlon.(Time Start: 10:59:46 am, Time End: 11:28:22 am, Room 8.4.) (ksm) (Entered: 04/14/2017)
04/14/2017	<u>60</u>	<b>ORDER denying without prejudice <u>29</u> Motion to Inspect as to Claud R. Koerber (1); denying without prejudice <u>24</u> Motion to Compel as to Claud R. Koerber (1). Signed by Judge Robert J. Shelby on 4/14/2017. (jds)</b> (Entered: 04/14/2017)
04/24/2017	<u>61</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of STATUS CONFERENCE as to Claud R. Koerber held on APRIL 11, 2017 before Judge PAUL M. WARNER. Court Reporter/Transcriber RAYMOND P. FENLON, Telephone number (801) 809-4634.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/15/2017. Redacted Transcript Deadline set for 5/25/2017. Release of Transcript Restriction set for 7/25/2017. (jds) Modified on 7/25/2017 by removing restricted text (las). (Entered: 04/24/2017)</p>
04/25/2017	<u>63</u>	Sixth CERTIFICATE OF COMPLIANCE and Request for Reciprocal Discovery filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 04/25/2017)
05/03/2017	<u>65</u>	<b>TRIAL ORDER with instructions for counsel as to Claud R. Koerber. 6 Week Jury Trial set for 8/7/2017 at 09:00 AM in Rm 7.300 before Judge Robert J.</b>

			Shelby. Final Pretrial Conference set for 6/28/2017 at 01:30 PM in Rm 7.300 before Judge Robert J. Shelby. Signed by Judge Robert J. Shelby on 5/3/2017.(jds) (Entered: 05/03/2017)
05/04/2017	67		<b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by Mary Jane McNamee) <b>Second Final Pretrial Conference</b> set for 7/19/2017 at 1:30 PM in Rm 7.300 before Judge Robert J. Shelby. (mjm) (Entered: 05/04/2017)
05/08/2017	<u>68</u>		<b>TRIAL ORDER</b> with instructions for counsel as to Claud R. Koerber. The deadlines in this Trial Order supersede any deadlines previously imposed by the district judge or the magistrate judge.  6 Week Jury Trial set for 8/7/2017 at 09:00 AM in Rm 7.300 before Judge Robert J. Shelby. The initial final pretrial conference is scheduled for 6/28/2017 at 01:30 PM in Rm 7.300 before Judge Robert J. Shelby. The second final pretrial conference is scheduled for 7/19/2017 at 1:30 pm. Signed by Judge Robert J. Shelby on 5/5/2017.(jds) (Entered: 05/08/2017)
05/09/2017	<u>69</u>		Seventh CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 05/09/2017)
05/10/2017			Attorney update in case as to Claud R. Koerber. Attorney Gregory G. Skordas for Claud R. Koerber added as co-counsel per chambers. (ksm) (Entered: 05/10/2017)
05/12/2017	<u>70</u>		Stipulated MOTION <i>for Entry of Order Regarding Re-Production of Documents in Un-Redacted Form</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Paul M. Warner.(Murray, Tyler) (Entered: 05/12/2017)
05/12/2017	<u>71</u>		<b>ORDER</b> granting <u>70</u> Motion for Order Regarding the Re-production of Documents in Un-Redacted form as to Claud R. Koerber (1). Signed by Magistrate Judge Paul M. Warner on 5/12/2017. (jds) (Entered: 05/12/2017)
05/17/2017	<u>73</u>		Defendant's MOTION to Dismiss Indictment/Information <i>as Time Barred and for Injunctive Relief</i> filed by Claud R. Koerber. (Skordas, Rebecca) (Entered: 05/17/2017)
05/17/2017	<u>74</u>		Eighth CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 05/17/2017)
05/17/2017	<u>75</u>		Defendant's MOTION to Dismiss Indictment/Information <i>Alternatively for Kastigar-like hearing</i> filed by Claud R. Koerber. (Skordas, Rebecca) (Entered: 05/17/2017)
05/18/2017	<u>76</u>		Defendant's MOTION for Extension of Time For Filing Pretrial Motions filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Skordas, Rebecca) (Entered: 05/18/2017)
05/18/2017	77		<b>DOCKET TEXT ORDER</b> as to Claud R. Koerber. The court <b>ORDERS</b> the United States to file a response to Defendant's <u>76</u> Motion to Extend Time for Filing Pretrial Motions on or before 5/22/2017. No attached document. Signed by Magistrate Judge Paul M. Warner on 5/18/2017. (srs) (Entered: 05/18/2017)

05/18/2017	<u>78</u>		ERRATA by Claud R. Koerber to <u>75</u> Defendant's MOTION to Dismiss Indictment/Information <i>Alternatively for Kastigar-like hearing</i> filed by Claud R. Koerber (Skordas, Rebecca) (Entered: 05/18/2017)
05/22/2017	<u>79</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>76</u> Defendant's MOTION for Extension of Time For Filing Pretrial Motions (Hackford-Peer, Ruth) (Entered: 05/22/2017)
05/23/2017	<u>80</u>		MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>73</u> Defendant's MOTION to Dismiss Indictment/Information <i>as Time Barred and for Injunctive Relief</i> (Murray, Tyler) (Entered: 05/23/2017)
05/24/2017	<u>81</u>		<b>ORDER granting <u>76</u> Motion for Extension of Time For Filing Pretrial Motions as to Claud R. Koerber (1). The pretrial motion deadline in this case is extended to June 5, 2017. Signed by Magistrate Judge Paul M. Warner on 5/24/2017. (jds)</b> (Entered: 05/24/2017)
05/31/2017	<u>82</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>75</u> Defendant's MOTION to Dismiss Indictment/Information <i>Alternatively for Kastigar-like hearing</i> (Hackford-Peer, Ruth) (Entered: 05/31/2017)
06/01/2017	<u>83</u>		NOTICE of Compliance with Court Order by USA as to Claud R. Koerber (Murray, Tyler) (Entered: 06/01/2017)
06/05/2017	<u>84</u>		Second MOTION to Dismiss Indictment/Information <i>as Time Barred the Impermissibly Broadened and Amended 2017 Indictment</i> filed by Claud R. Koerber. (Skordas, Rebecca) (Entered: 06/05/2017)
06/05/2017	<u>85</u>		Defendant's MOTION to Inspect , <i>Reproduce and Copy Grand Jury Rolls, Master Wheel, and all Records of the Grand Jury Selection</i> filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Skordas, Rebecca) (Entered: 06/05/2017)
06/05/2017	<u>86</u>		First MOTION for Bill of Particulars filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Skordas, Rebecca) (Entered: 06/05/2017)
06/05/2017	<u>87</u>		Defendant's MOTION for Order to Show Cause <i>and Disqualify Federal Prosecutors and Agents</i> filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Skordas, Rebecca) (Entered: 06/05/2017)
06/05/2017	<u>88</u>		Defendant's MOTION to Compel Discovery filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Skordas, Rebecca) (Entered: 06/05/2017)
06/05/2017	<u>89</u>		Defendant's MOTION to Suppress filed by Claud R. Koerber. (Skordas, Rebecca) (Entered: 06/05/2017)
06/05/2017	<u>90</u>		Defendant's MOTION to Dismiss Case on Speedy Trial Violations filed by Claud R. Koerber. (Skordas, Rebecca) (Entered: 06/05/2017)
06/07/2017	<u>91</u>		REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>73</u> Defendant's MOTION to Dismiss Indictment/Information <i>as Time Barred and for Injunctive Relief</i> (Skordas, Rebecca) (Entered: 06/07/2017)
06/07/2017	<u>92</u>		Ninth CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 06/07/2017)



06/13/2017	<u>93</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>87</u> Defendant's MOTION for Order to Show Cause <i>and Disqualify Federal Prosecutors and Agents</i> (Murray, Tyler) (Entered: 06/13/2017)
06/13/2017	<u>94</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>85</u> Defendant's MOTION to Inspect , <i>Reproduce and Copy Grand Jury Rolls, Master Wheel, and all Records of the Grand Jury Selection</i> (Hackford–Peer, Ruth) (Entered: 06/13/2017)
06/13/2017	<u>95</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>86</u> First MOTION for Bill of Particulars (Hackford–Peer, Ruth) (Entered: 06/13/2017)
06/14/2017	<u>96</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>90</u> Defendant's MOTION to Dismiss Case on Speedy Trial Violations (Hackford–Peer, Ruth) (Entered: 06/14/2017)
06/14/2017	<u>97</u>		<b>ORDER requesting supplemental briefing as to Claud R. Koerber. Signed by Judge Robert J. Shelby on 6/14/2017.(jds)</b> (Entered: 06/14/2017)
06/15/2017	<u>98</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>88</u> Defendant's MOTION to Compel Discovery (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Hackford–Peer, Ruth) (Entered: 06/15/2017)
06/15/2017	<u>99</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>84</u> Second MOTION to Dismiss Indictment/Information <i>as Time Barred the Impermissibly Broadened and Amended 2017 Indictment</i> (Hackford–Peer, Ruth) (Entered: 06/15/2017)
06/19/2017	<u>101</u>		Tenth CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 06/19/2017)
06/20/2017	<u>102</u>		REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>85</u> Defendant's MOTION to Inspect , <i>Reproduce and Copy Grand Jury Rolls, Master Wheel, and all Records of the Grand Jury Selection</i> (Skordas, Rebecca) (Entered: 06/20/2017)
06/20/2017	<u>103</u>		REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>86</u> First MOTION for Bill of Particulars (Skordas, Rebecca) (Entered: 06/20/2017)
06/23/2017	<u>105</u>		<b>MEMORANDUM DECISION AND ORDER denying <u>86</u> Motion for Bill of Particulars as to Claud R. Koerber (1). Signed by Magistrate Judge Paul M. Warner on 6/23/2017.(jds)</b> (Entered: 06/23/2017)
06/23/2017	<u>106</u>		Supplemental Briefing on Preclusion Issues BRIEF re <u>97</u> Order <i>For Supplemental Briefing</i> filed by USA as to Claud R. Koerber (Hackford–Peer, Ruth) (Entered: 06/23/2017)
06/23/2017	<u>107</u>		REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>84</u> Second MOTION to Dismiss Indictment/Information <i>as Time Barred the Impermissibly Broadened and Amended 2017 Indictment</i> (Skordas, Rebecca) (Entered: 06/23/2017)
06/23/2017	<u>108</u>		REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>90</u> Defendant's MOTION to Dismiss Case on Speedy Trial Violations (Skordas, Rebecca) (Entered: 06/23/2017)

06/23/2017	<u>109</u>		Refiled as <u>110</u> <del>Preclusion Doctrine BRIEF</del> filed by Claud R. Koerber ( <del>Skordas, Rebecca</del> ) Modified on 6/29/2017 (jds). (Entered: 06/23/2017)
06/24/2017	<u>110</u>		Refiled as <u>11</u> Errata – Preclusion Doctrine Brief with EXHIBITS by Claud R. Koerber re <u>109</u> Brief (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Skordas, Rebecca) Modified docket text on 6/29/2017 (jds). Modified docket text on 6/29/2017 (jds). (Entered: 06/24/2017)
06/26/2017	<u>111</u>		ERRATA by Claud R. Koerber to <u>109</u> Brief filed by Claud R. Koerber, <u>110</u> Exhibits filed by Claud R. Koerber <i>Preclusion Doctrine Brief with Exhibits</i> (Attachments: # <u>1</u> Exhibit Exhibit 1 to Preclusion Doctrine Brief, # <u>2</u> Exhibit Exhibit 2 to Preclusion Doctrine Brief)(Skordas, Rebecca) (Entered: 06/26/2017)
06/28/2017	112		Minute Entry for proceedings held before Judge Robert J. Shelby: Pretrial Conference as to Claud R. Koerber held on 6/28/2017. The defendant is present with counsel. The court hears from counsel. This case is set for jury trial to begin on 8/7/2017. Two days of jury selection is anticipated. Kris Porter, Jury Administrator will send out 1000 jury summons. A deadline for is set for 7/14/2017, where the the summoned jury pool will enter information online, to determine qualification. The court anticipates calling approximately 100 qualified potential jurors, to appear on 8/7/2017 and 8/8/2017. The court proposes having 25 potential jurors appear at 9:00 a.m. on 8/7/2017, 25 potential jurors appear at 1:00 p.m. on 8/7/2017, 25 potential jurors appear at 9:00 a.m. on 8/8/2017 and 25 potential jurors appear at 1:00 p.m on 8/8/2017. The court will select 12 jurors and 4 alternate jurors. Trial will begin at 9:00 a.m. each day and conclude at 2:00 p.m. The court proposes a trial schedule that includes the following dates without trial: 8/18/2017, 9/1/2017, 9/4/2017, 9/15/2017, 9/29/2017. Counsel will discuss the court's proposals and decide at the next Final Pretrial Conference set for 7/19/2017 at 1:30 p.m. The court suggests the jury receive summary sheets, including photos of witnesses as they appear for testimony. The following deadlines are set: proposed preliminary jury instructions to be submitted by 7/10/2017; general jury instructions to be submitted by 8/4/2017; USA will supply Defendant with exhibits and exhibit lists by 7/12/2017, Defendant will supply USA with exhibits and exhibit lists by 7/18/2017; proposed voir dire to be submitted by 7/10/2017; motions in limine are to be filed by 7/31/2017; trial briefs due by 8/2/2017. Counsel will contact chambers to set up time for a courtroom electronic overview session. A second final pretrial conference is set for 7/19/2017 at 1:30 p.m. The court sets a telephone conference, where the court will issue a ruling on the preclusion issue, for Friday, June 30 at 11:30 a.m. Following a short recess, Defendant's counsel informs the court that they will submit a motion and brief requesting a 60 day continuance of the jury trial date. Defendant's brief shall be filed by 7/5/2017. USA may file response by 7/6/2017. Attorney for Plaintiff: Stewart Walz, Aaron Clark, Ruth Hachford–Peer, Tyler Murray; Attorney for Defendant: Rebecca Skordas. Court Reporter: Ray Fenlon.(mjm) (Entered: 06/29/2017)
06/29/2017	113		<b><u>NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated by Mary Jane McNamee) Telephone Conference set for 6/30/2017 at 11:30 AM in Rm 7.300 before Judge Robert J. Shelby. <b>Judge Robert J. Shelby has set a telephone conference for Friday, June 30, 2017 at 11:30 a.m.(MST). As a participant, the conference instructions are as follows: 1. Dial</b>

			<b>888-808-6929 ; 2. Enter Access Code 2900331; 3. To enter as a participant, press # key. If the call has not been activated by the Court, you will be placed on hold. If you have any questions before the hearing begins, please do not hesitate to call chambers at 801-524-6790, if you are having issues during the hearing, please email the case administrator at mary_jane_mcnamee@utd.uscourts.gov (mjm) (Entered: 06/29/2017)</b>
06/30/2017	<u>114</u>		Minute Entry for proceedings held before Judge Robert J. Shelby: Telephone Conference as to Claud R. Koerber held on 6/30/2017. The parties appear by phone. The court is prepared to issue an oral ruling on the preclusive effect of rulings made in Koerber 1, Case 2:09CR00302. The court rules that it is not bound by and is declining to follow the Suppression Order, docket entry 360 and will address the potential preclusive effect of any other orders as those issues arise. Mr. Koerber may file a motion to advance arguments related to the suppression of the 2009 interviews, if he wishes to do so. Attorney for Plaintiff: Stewart Walz, Aaron Clark, Ruth Hackford-Peer, Tyler Murray appear by phone, Attorney for Defendant: Rebecca Skordas appears by phone. Court Reporter: Ray Fenlon.(mjm) (Entered: 06/30/2017)
06/30/2017	<u>115</u>		<b>MEMORANDUM DECISION ORDER as to Claud R. Koerber RE: Dkt. No. 85 . Signed by Magistrate Judge Paul M. Warner on 06/30/2017. (an) (Entered: 06/30/2017)</b>
07/05/2017	<u>116</u>		MOTION in Limine to <i>Exclude Evidence Relating to Defendant's Potential Advice of Counsel or Accountant Defense</i> by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 07/05/2017)
07/05/2017	<u>117</u>		First MOTION to Continue <i>Jury Trial</i> filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Skordas, Rebecca) (Entered: 07/05/2017)
07/06/2017	<u>118</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>117</u> First MOTION to Continue <i>Jury Trial</i> (Hackford-Peer, Ruth) (Entered: 07/06/2017)
07/07/2017	<u>119</u>		MOTION in Limine to <i>Exclude Evidence of Conduct by Utah State Officials and Failure of the State of Utah to Sue the Defendant</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1)(Walz, Stewart) (Entered: 07/07/2017)
07/07/2017	<u>120</u>		MOTION in Limine to <i>exclude evidence relating to previous speedy trial act violations</i> by USA as to Claud R. Koerber. (Hackford-Peer, Ruth) (Entered: 07/07/2017)
07/07/2017	<u>121</u>		<b>ORDER granting in part and denying in part <u>117</u> Motion to Continue as to Claud R. Koerber (1)See Order for Details. Signed by Judge Robert J. Shelby on 7/7/17. (ksm) (Entered: 07/07/2017)</b>
07/08/2017	<u>122</u>		REFILED CORRECTLY AS <u>125</u> Supplemental Brief – <del>SUPPLEMENTAL BRIEFING ON DEFENDANTS MOTION TO INSPECT, REPRODUCE AND COPY GRAND JURY ROLLS, MASTER WHEEL, AND ALL RECORDS OF THE GRAND JURY SELECTION PROCESS BRIEF</del> filed by Claud R. Koerber (Skordas, Rebecca) Modified on 7/11/2017: added re-filing info (alt) (Entered: 07/08/2017)
07/10/2017			<b>Reset Trial Date per <u>121</u> Order</b> as to Claud R. Koerber: 6-Week Jury Trial reset for 8/21/2017 at 09:00 AM in Rm 7.300 before Judge Robert J. Shelby. Terminated existing trial-related deadlines. (alt) (Entered: 07/10/2017)



07/10/2017	<u>123</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>85</u> Defendant's MOTION to Inspect , <i>Reproduce and Copy Grand Jury Rolls, Master Wheel, and all Records of the Grand Jury Selection</i> (Clark, Aaron) (Entered: 07/10/2017)
07/10/2017	<u>124</u>		<b>ORDER denying <u>88</u> Motion to Compel as to Claud R. Koerber (1) Signed by Magistrate Judge Paul M. Warner on 07/10/2017. (an)</b> (Entered: 07/10/2017)
07/11/2017	<u>125</u>		Supplemental BRIEF re <u>85</u> Defendant's MOTION to Inspect , <i>Reproduce and Copy Grand Jury Rolls, Master Wheel, and all Records of the Grand Jury Selection</i> filed by Claud R. Koerber (Skordas, Rebecca) (Entered: 07/11/2017)
07/11/2017	<u>126</u>		<b><u>NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated by Mary Jane McNamee) 8 week Jury Trial set for 8/21/2017 at 9:00 AM in Rm 7.300 before Judge Robert J. Shelby. Second Final Pretrial Conference set for 7/19/2017 at 1:30 PM in Rm 7.300 before Judge Robert J. Shelby. Third Final Pretrial Conference set for 8/4/2017 at 1:30 PM in Rm 7.300 before Judge Robert J. Shelby. The following deadlines are set: proposed voir dire to be submitted by 7/25/2017; USA will supply Defendant with exhibits and exhibit lists by 7/26/17; Defendant will supply USA with exhibits and exhibit lists by 8/2/17; the plea agreement deadline is 8/8/17; fully briefed motions in limine are due by 8/10/17; witness lists are to be filed with the court by 8/16/17; optional trial briefs are due 8/16/17; general jury instructions and proposed verdict form are due to the court by 8/18/17. (mjm) (Entered: 07/11/2017)
07/11/2017	<u>127</u>		First MOTION to Amend/Correct <u>91</u> Reply to Response filed by Claud R. Koerber filed by Claud R. Koerber. (Skordas, Rebecca) (Entered: 07/11/2017)
07/12/2017	<u>128</u>		RESPONSE to Motion by Claud R. Koerber re <u>116</u> MOTION in Limine to <i>Exclude Evidence Relating to Defendant's Potential Advice of Counsel or Accountant Defense</i> (Skordas, Rebecca) (Entered: 07/12/2017)
07/13/2017	<u>129</u>		<b>MEMORANDUM DECISION AND ORDER granting in part and denying in part <u>85</u> Motion to Inspect Reproduce, and Copy Grand Jury Rolls, Master Wheel, and All Records of the Grand Jury Selection Process as to Claud R. Koerber (1). Signed by Magistrate Judge Paul M. Warner on 7/13/2017.(jds)</b> (Entered: 07/13/2017)
07/14/2017	<u>130</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of INITIAL APPEARANCE/ARRAIGNMENT as to Claud R. Koerber held on FEBRUARY 16, 2017 before Judge Evelyn J. Furse. Court Reporter/Transcriber RAYMOND P. FENLON, Telephone number (801) 809-4634.  <b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b>

		<p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/4/2017. Redacted Transcript Deadline set for 8/14/2017. Release of Transcript Restriction set for 10/12/2017. (jds) Modified by removing restricted text on 10/17/2017 (rks). (Entered: 07/14/2017)</p>
07/14/2017	<u>132</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Claud R. Koerber held on March 14, 2017 before Judge DEE BENSON. Court Reporter/Transcriber Ed Young, Telephone number 801-328-3202.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/4/2017. Redacted Transcript Deadline set for 8/14/2017. Release of Transcript Restriction set for 10/12/2017. (jds) Modified by removing restricted text on 10/17/2017 (rks). (Entered: 07/14/2017)</p>
07/14/2017	<u>134</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TELEPHONIC BENCH RULING ON PRECLUSION ISSUES as to Claud R. Koerber held on JUNE 30, 2017 before Judge ROBERT J. SHELBY. Court Reporter/Transcriber RAYMOND P. FENLON, Telephone number (801) 809-4634.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/4/2017. Redacted Transcript Deadline set for 8/14/2017. Release of Transcript Restriction set for 10/12/2017. (jds) Modified by removing restricted text on 10/17/2017 (rks). (Entered: 07/14/2017)</p>
07/17/2017	<u>136</u>	<p>CERTIFICATE OF COMPLIANCE <i>Eleventh</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 07/17/2017)</p>

07/18/2017			<b>NOTICE VACATING 2nd Final Pretrial Conference HEARING</b> as to Claud R. Koerber set for 7/19/2017 at 1:30 p.m. before Judge Robert J. Shelby (Notice generated by Mary Jane McNamee) (mjm) (Entered: 07/18/2017)
07/19/2017			Notice of Appearance. U.S. Probation and Pretrial Services hereby advises the Court that Stacey S. Hirata should be added to this case as to Claud R. Koerber (ssh) (Entered: 07/19/2017)
07/21/2017	<u>140</u>		<b>ORDER denying <u>73</u> Motion to Dismiss Indictment/Information as Time Barred and for Injunctive Relief; denying <u>75</u> Motion to Dismiss Indictment/Information Due Process Violations; denying <u>84</u> Motion to Dismiss Indictment/Information Impermissibly Broadened; denying <u>89</u> Motion to Suppress ; denying <u>90</u> Motion to Dismiss for Speedy Trial as to Claud R. Koerber (1). Signed by Judge Robert J. Shelby on 7/21/2017. (jds)</b> (Entered: 07/21/2017)
07/24/2017	<u>141</u>		RESPONSE to Motion by Claud R. Koerber re <u>120</u> MOTION in Limine to <i>exclude evidence relating to previous speedy trial act violations</i> (Skordas, Rebecca) (Entered: 07/24/2017)
07/24/2017	<u>142</u>		RESPONSE to Motion by Claud R. Koerber re <u>119</u> MOTION in Limine to <i>Exclude Evidence of Conduct by Utah State Officials and Failure of the State of Utah to Sue the Defendant</i> (Skordas, Rebecca) (Entered: 07/24/2017)
07/25/2017	<u>143</u>		<b>MEMORANDUM DECISION AND ORDER denying <u>87</u> Motion for Order to Show Cause and to Disqualify Federal Prosecutors and Federal Agents as to Claud R. Koerber (1). Signed by Magistrate Judge Paul M. Warner on 7/25/2017.(jds)</b> (Entered: 07/25/2017)
07/25/2017	144		<b>DOCKET TEXT ORDER – GRANTING</b> docket entry <u>127</u> Motion to Amend/Correct as to Claud R. Koerber (1). Signed by Judge Robert J. Shelby on 7/25/2017. No attached document. (mjm) (Entered: 07/25/2017)
07/26/2017	<u>147</u>		Defendant's MOTION in Limine to <i>Exclude Testimony of Government's Witness Ray Bartholomew</i> filed by Claud R. Koerber. (Skordas, Rebecca) (Entered: 07/26/2017)
07/26/2017	<u>148</u>		REPLY TO RESPONSE to Motion by USA as to Claud R. Koerber re <u>120</u> MOTION in Limine to <i>exclude evidence relating to previous speedy trial act violations</i> (Walz, Stewart) (Entered: 07/26/2017)
07/26/2017	<u>149</u>		CERTIFICATE OF COMPLIANCE <i>Twelfth</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 07/26/2017)
07/26/2017	<u>150</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Claud R. Koerber held on April 14, 2017 before Judge Paul M. Warner. Court Reporter/Transcriber Ray Fenlon, Telephone number 801–809–4634.  <b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted</b>

		<p><b>time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/16/2017. Redacted Transcript Deadline set for 8/28/2017. Release of Transcript Restriction set for 10/24/2017. (las) Modified by removing restricted text on 11/7/2017 (rks). (Entered: 07/26/2017)</p>
07/27/2017	<u>152</u>	Defendant's MOTION in Limine <i>to Exclude Use of the Terms Ponzi or Ponzi Scheme</i> filed by Claud R. Koerber. (Skordas, Rebecca) (Entered: 07/27/2017)
07/27/2017	<u>153</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Initial Appearance/Arraignment as to Claud R. Koerber held on February 16, 2017 before Judge Evelyn J. Furse. Court Reporter/Transcriber Ray Fenlon, Telephone number 801-809-4634.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/17/2017. Redacted Transcript Deadline set for 8/28/2017. Release of Transcript Restriction set for 10/25/2017. (las) Modified by removing restricted text. (jlw) (Entered: 07/27/2017)</p>
07/28/2017	<u>154</u>	NOTICE OF ATTORNEY APPEARANCE: Marcus R. Mumford appearing for Claud R. Koerber (Mumford, Marcus) (Entered: 07/28/2017)
07/28/2017	<u>155</u>	NOTICE OF APPEAL (Interlocutory) by Claud R. Koerber re <u>140</u> Order on Motion to Dismiss Indictment/Information,,, Order on Motion to Suppress, Order on Motion to Dismiss for Speedy Trial,,,, Entered on July 21, 2017. Appeals to the USCA Tenth Circuit. No Filing Fee. (Mumford, Marcus) (Entered: 07/28/2017)
07/31/2017	<u>156</u>	Transmission of Preliminary Record to USCA as to Claud R. Koerber re <u>155</u> Notice of Appeal – Interlocutory. (Attachments: # <u>1</u> Appendix)(jds) (Entered: 07/31/2017)
07/31/2017	<u>157</u>	USCA Case Number as to Claud R. Koerber Case Appealed to Tenth Case Number 17-4121 for <u>155</u> Notice of Appeal – Interlocutory, filed by Claud R. Koerber. (jmr) (Entered: 07/31/2017)
07/31/2017	<u>158</u>	Certificate of Service by USA as to Claud R. Koerber <i>Internal Revenue Service report</i> (Walz, Stewart) (Entered: 07/31/2017)

08/01/2017	<u>159</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>152</u> Defendant's MOTION in Limine <i>to Exclude Use of the Terms Ponzi or Ponzi Scheme</i> (Hackford–Peer, Ruth) (Entered: 08/01/2017)
08/01/2017	<u>160</u>		<b>ORDER re <u>154</u> Notice of Attorney Appearance of Marcus Mumford for Defendant Claud R. Koerber. Mr. Mumfords Motion for Admission to the CJA Panel and CJA Appointment is DENIED. Signed by Judge Robert J. Shelby on 8/1/2017.(jds)</b> (Entered: 08/01/2017)
08/01/2017			Attorney update in case as to Claud R. Koerber. Attorney Marcus R. Mumford terminated per <u>160</u> Order. (jds) (Entered: 08/01/2017)
08/01/2017	<u>161</u>		Defendant's MOTION in Limine <i>to Exclude Government's Exhibit 68 Stipulated Order Adopting Settlement</i> filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit Settlement Agreement)(Skordas, Rebecca) (Entered: 08/01/2017)
08/04/2017	<u>162</u>		NOTICE OF ATTORNEY APPEARANCE: Marcus R. Mumford appearing for Claud R. Koerber (Mumford, Marcus) (Entered: 08/04/2017)
08/04/2017	<u>163</u>		MOTION to Disqualify Judge <i>Warner and Vacate Orders Entered After April 14, 2017 as Void</i> filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit Koerber Declaration)(Mumford, Marcus) (Entered: 08/04/2017)
08/04/2017	<u>164</u>		MOTION to Disqualify Judge <i>Robert J. Shelby</i> filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 08/04/2017)
08/04/2017	<u>165</u>		MOTION to Disqualify Judge <i>All Federal Judges in the District of Utah</i> , MOTION to Compel Disclosure of Past Recusal Orders filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Mumford, Marcus) (Entered: 08/04/2017)
08/04/2017	<u>166</u>		Second MOTION to Continue <i>Trial Date</i> , MOTION to Amend/Correct <u>121</u> Order on Motion to Continue filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Mumford, Marcus) (Entered: 08/04/2017)
08/04/2017	<u>167</u>		CERTIFICATE OF COMPLIANCE <i>Thirteenth</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 08/04/2017)
08/04/2017	168		Minute Entry for proceedings held before Judge Robert J. Shelby: Pretrial Conference as to Claud R. Koerber held on 8/4/2017. The defendant is present with counsel. The court has received the following motions filed by Marcus Mumford on behalf of Defendant Claud R. Koerber: docket entries <u>162</u> NOTICE OF ATTORNEY APPEARANCE: Marcus R. Mumford appearing for Claud R. Koerber, <u>163</u> MOTION to Disqualify Judge Warner and Vacate Orders Entered After April 14, 2017 as Void filed by Claud R. Koerber, <u>164</u> MOTION to Disqualify Judge Robert J. Shelby, <u>165</u> MOTION to Disqualify Judge All Federal Judges in the District of Utah, MOTION to Compel Disclosure of Past Recusal Orders AND <u>166</u> Second MOTION to Continue Trial Date, MOTION to Amend/Correct 121 Order on Motion to Continue. The court states the 8/21/2017 trial date will remain in place and directs the parties to hold open 8/14/2017 and 8/18/2017 for possible final pretrial conferences. The Government informs the court of a possible conflict with representation by Mr. Mumford and hands the court exhibit 1 – email dated 11/19/2009. <b>Mr. Mumford to file his ex parte filing related to his notice of</b>



		<p><b>appearance by NOON 8/7/2017.</b> Ms. Rebecca Skordas inquires of trial subpoenas issued by the government. <del>The government will provide the defendant with a trial witness list by Tuesday 8/8/2017, which will include witnesses subpoenaed and contact information.</del> <b>Counsel for the United States and Rebecca Skordas are working on a resolution to the problem but the United States will not be expected to provide the names and contact information of those the United States has subpoenaed by close of business Tuesday.</b> Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark, Attorney for Defendant: Rebecca Skordas, Gregory Skordas. Mr. Marcus Mumford is also present. Court Reporter: Ed Young. (mjm) Modified on 8/8/2017 – The minute entry is amended as noted above, at the request of counsel in docket entry <u>177</u> dated 8/8/2017 (mjm). (Entered: 08/04/2017)</p>
08/04/2017	169	<p>Motions No Longer Referred as to Claud R. Koerber: <u>166</u> Second MOTION to Continue <i>Trial Date</i> MOTION to Amend/Correct <u>121</u> Order on Motion to Continue , <u>165</u> MOTION to Disqualify Judge <i>All Federal Judges in the District of Utah</i> MOTION to Compel Disclosure of Past Recusal Orders (mjm) (Entered: 08/04/2017)</p>
08/04/2017	<u>170</u>	<p>RESPONSE to Motion by USA as to Claud R. Koerber re <u>164</u> MOTION to Disqualify Judge <i>Robert J. Shelby</i>, <u>165</u> MOTION to Disqualify Judge <i>All Federal Judges in the District of Utah</i> MOTION to Compel Disclosure of Past Recusal Orders , <u>163</u> MOTION to Disqualify Judge <i>Warner and Vacate Orders Entered After April 14, 2017 as Void</i> (Hackford–Peer, Ruth) (Entered: 08/04/2017)</p>
08/07/2017	171	<p><b>REQUEST FOR A JURY</b>  65–70 Jurors Needed for Voir Dire  Date Jurors Needed: 8/21/2017  Time Jurors Requested in the Courtroom: 9:00 a.m.  Length of Trial: 8 weeks  Criminal Charge: 15:77q(a) and 77x FRAUDULENT INTERSTATE TRANSACTIONS/Fraud in the Offer and Sale of Securities (Securities Fraud); 18:2(a) and (b) Aiding and Abetting and Causing et al.  High Profile Case: YES  (mjm) (Entered: 08/07/2017)</p>
08/07/2017	172	<p><b>REQUEST FOR A JURY</b>  30–50 Jurors Needed for Voir Dire  Date Jurors Needed: Tuesday 8/22/2017  Time Jurors Requested in the Courtroom: 9:00 a.m.  Length of Trial: 8 weeks  Criminal Charge: 15:77q(a) and 77x FRAUDULENT INTERSTATE TRANSACTIONS/Fraud in the Offer and Sale of Securities (Securities Fraud); 18:2(a) and (b) Aiding and Abetting and Causing et al  High Profile Case: YES  Special Instructions: ONLY IF NEEDED (mjm) (Entered: 08/07/2017)</p>
08/07/2017	173	<p><b>JURORS HAVE BEEN SENT A NOTICE TO APPEAR</b> by the Jury Office. Jurors to report on August 21, 2017 at 7:45 a.m. (ksp) (Entered: 08/07/2017)</p>
08/07/2017	174	<p><b>JURORS HAVE BEEN SENT A NOTICE TO APPEAR</b> by the Jury Office. Jurors to report on August 22, 2017 at 7:45 a.m. These additional jurors will</p>

		report only if more jurors are needed for voir dire on this case. (ksp) (Entered: 08/07/2017)
08/07/2017	176	NOTICE OF CONVENTIONAL FILING: Sealed Ex Parte Supplement re Notice of Appearance of Marcus Mumford as to Claud R. Koerber received by the court on 8/7/2017. (jds) (Entered: 08/07/2017)
08/08/2017	<u>177</u>	MOTION to Amend/Correct <i>Minute Entry Docket No. 168</i> by USA as to Claud R. Koerber. (Hackford-Peer, Ruth) (Entered: 08/08/2017)
08/08/2017	<u>178</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>147</u> Defendant's MOTION in Limine to <i>Exclude Testimony of Government's Witness Ray Bartholomew</i> (Hackford-Peer, Ruth) (Entered: 08/08/2017)
08/08/2017	179	<b>DOCKET TEXT ORDER GRANTING <u>177</u> Motion to Amend/Correct Minute Entry 168 , as to Claud R. Koerber. At the request of counsel, minute entry dated 8/4/2017 – docket entry 168 has been amended. Signed by Judge Robert J. Shelby on 8/8/2017. No attached document. (mjm) (Entered: 08/08/2017)</b>
08/08/2017	<u>180</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>161</u> Defendant's MOTION in Limine to <i>Exclude Government's Exhibit 68 Stipulated Order Adopting Settlement</i> (Hackford-Peer, Ruth) (Entered: 08/08/2017)
08/08/2017	<u>181</u>	OBJECTIONS To Magistrate Judge Warner's Memorandum Decision And Order (Dkt 143) to <u>143</u> Order on Motion for Order to Show Cause, Memorandum Decision by Claud R. Koerber (Mumford, Marcus) (Entered: 08/08/2017)
08/10/2017	183	NOTICE OF CONVENTIONAL FILING of Sealed Ex parte Declaration in Support re <u>166</u> Second MOTION to Continue Trial Date filed by Marcus Mumford as to Claud R. Koerber (jds) (Entered: 08/10/2017)
08/10/2017	184	<b>ORDER REFERRING MOTION as to Claud R. Koerber <u>163</u> MOTION to Disqualify Judge Warner and Vacate Orders Entered After April 14, 2017 as Void</b> filed by Claud R. Koerber Referred to Judge Paul M. Warner. Signed by Judge Robert J. Shelby on 8/10/2017.(mjm) (Entered: 08/10/2017)
08/10/2017	<u>185</u>	<b>ORDER denying <u>163</u> Motion to Disqualify Judge. as to Claud R. Koerber (1) Signed by Magistrate Judge Paul M. Warner on 8/10/2017. (mjm) (Entered: 08/10/2017)</b>
08/10/2017	<u>186</u>	<b>ORDER denying <u>164</u> Motion to Disqualify Judge. as to Claud R. Koerber (1); denying <u>165</u> Motion to Disqualify Judge. as to Claud R. Koerber (1); denying <u>165</u> Motion to Compel as to Claud R. Koerber (1) Signed by Judge Robert J. Shelby on 8/10/2017. (mjm) (Entered: 08/10/2017)</b>
08/10/2017	187	<b>DOCKET TEXT ORDER DENYING <u>166</u> Motion to Continue as to Claud R. Koerber(1) – Written Order to Follow; DENYING <u>166</u> Motion to Amend/Correct as to Claud R. Koerber (1) – Written Order to Follow. A Final Pretrial Conference is set for 8/17/2017 at 2:15 p.m. in courtroom 7.300 before Judge Robert J. Shelby. Signed by Judge Robert J. Shelby on 8/10/2017. No attached document. (mjm) (Entered: 08/10/2017)</b>
08/10/2017	<u>188</u>	<b>ORDER OVERRULING re: <u>181</u> Objections filed by Claud R. Koerber(1). Signed by Judge Robert J. Shelby on 8/10/2017.(mjm) (Entered: 08/10/2017)</b>

08/10/2017	189		<b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by Mary Jane McNamee) Final Pretrial Conference set for 8/17/2017 at 2:15 PM in Rm 7.300 before Judge Robert J. Shelby. (mjm) (Entered: 08/10/2017)
08/10/2017	190		<b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by L. Pagel) Status Conference set for 8/11/2017 at 04:00 PM in Rm 8.400 before Magistrate Judge Paul M. Warner. (lnp) (Entered: 08/10/2017)
08/10/2017	<u>191</u>		REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>161</u> Defendant's MOTION in Limine to <i>Exclude Government's Exhibit 68 Stipulated Order Adopting Settlement</i> (Skordas, Rebecca) (Entered: 08/10/2017)
08/11/2017	192		Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Status Conference as to Claud R. Koerber held on 8/11/2017. Defendant present. Defendant is advised by the Court of his counsel options. Court allows defendant to consult with defense counsel. Court takes a recess. Defendant elects to have Mr. Mumford represent him pro bono. Court advises counsel that the CJA budget that was previously submitted by Ms. Skordas/CJA Counsel and approved, will remain in place. No funding will be available for attorney's fees. Court appoints Mr. Mumford to represent the defendant pro bono for purposes of accessing the e-voucher system. Court terminates Attorney's Gregory G. Skordas and Rebecca H. Skordas in the case as to Claud R. Koerber. Court instructs Rebecca Skordas to share file with Mr. Mumford to prepare for trial. Court encourages Ms. Skordas to submit billings under the budget that was previously proposed. Attorney for Plaintiff: Tyler Murray, Stew Walz, Ruth Hackford-Peer, Attorney for Defendant: Greg Skordas, Rebecca Skordas, Marcus Mumford. Interpreter: Not Needed. Court Reporter: Electronic/Laura Robinson.(Time Start: 5:13:24/6:16:23, Time End: 5:48:09/6:31:20, Room 8.400.) (lnp) (Entered: 08/11/2017)
08/14/2017	<u>193</u>		NOTICE of A Divestiture of Jurisdiction And Motion To Stay Proceedings Pending Appeal by Claud R. Koerber re <u>155</u> Notice of Appeal – Interlocutory, (Mumford, Marcus) (Entered: 08/14/2017)
08/14/2017	<u>194</u>		NOTICE OF ATTORNEY APPEARANCE Ryan D. Tenney appearing for USA. (Tenney, Ryan) (Entered: 08/14/2017)
08/15/2017	<u>195</u>		RESPONSE re <u>193</u> Notice (Other) <i>Defendant's Notice of Divestiture of Jurisdiction and Motion for Stay</i> filed by USA as to Claud R. Koerber (Attachments: # <u>1</u> Exhibit Attachment A)(Tenney, Ryan) (Entered: 08/15/2017)
08/16/2017	<u>196</u>		<b>WRITTEN ORDER</b> as to Claud R. Koerber denying <u>166</u> <b>Second MOTION to Continue Trial Date</b> ; denying MOTION for Reconsideration of denial of CJA appointment request; denying Motion to Stay. Signed by Judge Robert J. Shelby on 8/16/17 (alt) (Entered: 08/16/2017)
08/16/2017	197		NOTICE OF DEFICIENCY re <u>193</u> Notice (Other). The document improperly combines a Motion with another type of document and was not filed as a Motion. As chambers has entered a ruling that covers the issue, no re-filing is required at this time. Filers are reminded that any document styled as a motion must be e-filed using the "Motions" filing event in order to appear on the docket and be treated within CM/ECF as an application for an order addressed to the court. (alt) (Entered: 08/16/2017)



08/16/2017	<u>198</u>		TRIAL BRIEF by USA as to Claud R. Koerber (Attachments: # <u>1</u> Exhibit 1)(Walz, Stewart) (Entered: 08/16/2017)
08/17/2017	203		<p>Minute Entry for proceedings held before Judge Robert J. Shelby: A Final Pretrial Conference/Motion Hearing as to Claud R. Koerber held on 8/17/2017. Docket Entry <u>116</u> Motion in Limine to Exclude Evidence Relating to Defendant's Potential Advice of Counsel or Accountant Defense as to Claud R. Koerber (1) is GRANTED IN PART AND DENIED IN PART. Docket Entry <u>119</u> Motion in Limine to Exclude Evidence of Conduct by Utah State Officials and Failure of the State of Utah to Sue the Defendant as to Claud R. Koerber (1) is GRANTED IN PART AND DENIED IN PART. Docket Entry <u>120</u> Motion in Limine to exclude evidence relating to previous speedy trial act violations as to Claud R. Koerber (1) is GRANTED. Docket Entry <u>147</u> Motion in Limine to Exclude Testimony of Government's Witness Ray Bartholomew as to Claud R. Koerber (1) is DENIED WITHOUT PREJUDICE AS MOOT. Docket Entry <u>152</u> Motion in Limine to Exclude Use of the Terms Ponzi or Ponzi Scheme as to Claud R. Koerber (1) is DENIED. Docket Entry <u>161</u> Motion in Limine to Exclude Government's Exhibit 68 Stipulated Order Adopting Settlement as to Claud R. Koerber (1) is DENIED WITHOUT PREJUDICE AS MOOT. A discussion is held re: voir dire and jury selection. The court will read the list of potential witnesses to be called by both sides. Defense counsel requests the court ask the potential jurors about home ownership. Defense counsel requests the court inquire of the jury panel a) if they suffered any financial consequences some years ago, b) what companies they were employed by and c)if they have had any prior juror service and if a verdict was reached during their jury service. Counsel will confer and submit language to the court about potential additional questions to be asked during voir dire, by 12:00 p.m. on 8/18/2017. An anonymous jury will be empaneled on Monday, August 21, 2017. 1,000 summons were sent to potential jurors. Approximately 146 potential jurors stated they did not have any conflicts with the length of the trial. Monday, August 21st the court will ask 90 potential jurors to appear for jury selection. Potential jurors will be referred to by number only. If a jury panel is not selected on Monday, August 21st, jury selection will continue on Tuesday, August 22nd at 9:00 a.m. 16 jurors will be selected – 12 jurors and 4 alternate jurors. Jurors will be told that there are 4 alternate jurors and at the conclusion of testimony, if we have more than 12 jurors remaining those jurors will be dismissed by a random selection process. Jurors will be given binders for their notes and counsel will be responsible for taking pictures of witnesses dressed in what they wore during their testimony. Pictures with their names and dates they testified will be printed and give to the jurors to refresh their memory. Jurors will follow standard protocol and deliberate only at the end of testimony. Trial will not be held on 9/1/2017, 9/4/2017, 9/15/2017, 9/29/2017. Trial schedule will be as follows: Trial held 9:00 – 10:30 a.m. 10:45 –12:15 p.m. and 1:00 – 2:30 p.m. Breaks at 10:30 – 10:45 a.m. and 12:15 – 1:00 p.m. The jury panel will take a break on Monday, August 21st beginning at 11:30 a.m. to view the eclipse. Opening statements will be heard on Tuesday, August 22nd, if we select a jury on Monday, August 23rd. A discussion is held re: a stipulation reached between the USA and prior counsel. The court finds that any stipulation entered between the USA and prior counsel is in effect. As a courtesy, the USA will provide Mr. Mumford with a list of witnesses that will be called to testify on Tuesday, August 22, following opening statements. Defense counsel will also supply the USA with</p>

		<p>a list, prior to witnesses testifying, when he puts on his case. The court sets a further Final Pretrial Conference for 8/18/2017 at 2:00 PM in Rm 7.300 before Judge Robert J. Shelby. Written Order to follow oral order: No. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark, Attorney for Defendant: Marcus Mumford. Court Reporter: Ray Fenlon.(mjm) (Entered: 08/18/2017)</p>
08/18/2017	<u>199</u>	<p>NOTICE OF APPEAL by Claud R. Koerber re <u>186</u> Order on Motion to Disqualify Judge,, Order on Motion to Compel,,, Appeals to the USCA Tenth Circuit. No Filing Fee. (Mumford, Marcus) (Entered: 08/18/2017)</p>
08/18/2017	<u>200</u>	<p><b>Order of USCA as to Claud R. Koerber re <u>155</u> Notice of Appeal – Interlocutory. According to the USCA the appeal of the USDC for the Dist of UT is dismissed.</b> (jmr) (Entered: 08/18/2017)</p>
08/18/2017	<u>201</u>	<p>Transmission of Preliminary Record to USCA as to Claud R. Koerber re <u>199</u> Notice of Appeal. (Attachments: # <u>1</u> Appendix)(jmr) (Entered: 08/18/2017)</p>
08/18/2017	<u>202</u>	<p>USCA Case Number as to Claud R. Koerber Case Appealed to Tenth Case Number 17–4128 for <u>199</u> Notice of Appeal – Final Judgment filed by Claud R. Koerber. (jmr) (Entered: 08/18/2017)</p>
08/18/2017	204	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Final Pretrial Conference as to Claud R. Koerber held on 8/18/2017. The defendant is present with counsel. The court acknowledges Mr. Koerber's Section 1291 Notice of Appeal of the Order denying Mr. Koerber's Motion for Disqualification, filed minutes before the hearing. After hearing from Mr. Koerber, the court rules that the Notice of Appeal was deficient under Nichols v. Alley, 71 F.3d 347 (10th Cir. 1995), because an order denying a motion to recuse is not an immediately appealable interlocutory order. The court also concludes, alternatively, that the appeal is frivolous on the merits, in part because it asserted arguments and facts not previously before the court and made factual misrepresentations. For these reasons, the court concludes that the Notice of Appeal did not divest the court of jurisdiction. A discussion is held re: preliminary instructions. Defense counsel raises an issue about prior proceedings. USA states they will not raise the issue of the State investigation. Defense counsel will circulate a proposed jury instruction by noon, Saturday, August 19th. Court will consider proposed instruction Monday, August 21st at 8:30 a.m. Defense counsel raises an objection with Indictment being sent with the jury during deliberations. USA responds by stating there is an issue with the jury reaching a verdict without seeing the counts in the Indictment. The court will study the case law and make a decision. The court will invoke the Exclusionary Rule during the trial. All potential witnesses will be excluded from the courtroom, except for the case agents. Defense counsel raises an objection with the USA's case agent being present during the trial. USA offers their case agent witness will not be offering any opinion testimony and is not a fact witness, and is a summary witness. The court rules the summary agent may be present in the courtroom unless or until the court rules otherwise. If defense counsel raise an objection a filing will be submitted. USA's summary agents are Angela Mennitt and Agent Steve Roberts. Ms. Mennit will not sit through the trial, however Agent Roberts will be present at counsel table during trial. Defense counsel states the USA's summary agents are on the defendant's witness list. USA states the only case agent on the defense witness</p>

		<p>list is Special Agent Marker and to date defendant has not complied with the Touhy requirements. The court states Special Agent Marker will not be excluded, and he will not be a witness for the defense, as the defendant has not complied with requirement. Defense counsel brings up the issue of potential witnesses' sentencings being continued and construes this as witness intimidation. The court states defense counsel may bring a filing on any issues and suggests the more time counsel can give the court will be appreciated. The court allows counsel to submit final jury instructions, which will be due in a few weeks. The USA states there has not been any reciprocal discovery, and moves to exclude defendants exhibits. The government states the deadlines have passed and at this point without receiving any exhibits the government is prejudiced. Also, the USA has not received any expert notice from the defense and moves to preclude any defense expert. The court states there are court ordered deadlines for the exchange of information in place, and if parties wish to seek relief from court ordered deadlines, they should file a motion to do so. The court further states that the rules will be enforced equally with both sides and the matters will be taken up on a case by case basis. The court states 8/2/2017, was the exchange date deadline for the defendant to supply the exhibits and exhibit lists to the USA. The USA states the matter was raised before Magistrate Warner and counsel has not provided any exhibits to date. Defendant may file a motion for relief if he wishes. USA provides the defendant with cleaned up clips of statements in 2009 by the defendant to Agent Saxey and Mr. Marker. Defense counsel will submit a list of witnesses to the court by Saturday, August 19th at noon. The USA reads their witness list for Tuesday, 8/2/2017, on the record. The USA will email the exhibit list to defense counsel by Monday, August 21st, or earlier if it can. Both counsel will provide notice to each other, with a list of witnesses due one full business day in advance of the testimony of any anticipated witness. As to the exhibits, both sides will agree to a date they they will provide to each other. USA will try to give a list of witnesses for Wednesday, August 23rd to the defendant on Monday, August 21st. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark, Attorney for Defendant: Marcus Mumford. Court Reporter: Ray Fenlon. (mjm) (Entered: 08/18/2017)</p>
08/21/2017	<u>205</u>	<p>OBJECTIONS <i>TO GOVERNMENT EXHIBITS</i> Nos. 38, 38a, 40–45, and 40a–45a by Claud R. Koerber (Mumford, Marcus) (Entered: 08/21/2017)</p>
08/21/2017	<u>206</u>	<p>MEMORANDUM <i>on Federal Rule of Evidence 106</i> filed by USA as to Claud R. Koerber (Walz, Stewart) (Entered: 08/21/2017)</p>
08/21/2017	<u>207</u>	<p>OBJECTIONS <i>Additional Objections To Government Exhibits 40a, 42a, 43a, 44a and 45a</i> by Claud R. Koerber (Attachments: # <u>1</u> 40a Redline, # <u>2</u> 42a Redline, # <u>3</u> 43a Redline, # <u>4</u> 44a Redline, # <u>5</u> 45a Redline)(Mumford, Marcus) (Entered: 08/21/2017)</p>
08/21/2017	215	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Voir Dire held on 8/21/2017 as to Claud R. Koerber. 74 potential jurors are sworn and seated in the courtroom. Jury pool has been informed they will only be referred to by number and not name. Jury pool gives answers to questions posed by the court. The court excuses the jury pool and takes a 30 minute break at 11:20 a.m. Court resumes session at 12:00 p.m. Voir dire continues. Some potential jurors are privately interviewed based on their answers to questions. At 8:40 p.m., 16 jurors are seated and given preliminary</p>

		instructions. Jury is excused and instructed to return tomorrow at 10:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ray Fenlon, Laura Robinson and Patty Walker. (mjm) (Entered: 08/24/2017)
08/22/2017	<u>208</u>	<b>MANDATE of USCA as to Claud R. Koerber re <u>199</u> Notice of Appeal – Final Judgment. According to the USCA they do not have jurisdiction to consider defendants interlocutory appeal. Accordingly, the governments motion to dismiss is granted.</b> (jds) (Entered: 08/22/2017)
08/22/2017	<u>209</u>	Supplemental CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 08/22/2017)
08/22/2017	<u>210</u>	MOTION to Suppress filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12)(Mumford, Marcus) (Entered: 08/22/2017)
08/22/2017	216	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 8/22/2017. The court meets with counsel and additional jurors are questioned. At 11:00 a.m. the jury is seated in the courtroom. Jurors #7 and #8 are excused from jury service. 2 additional jurors are added to the jury. 16 jurors are sworn and given preliminary jury instructions. Opening statements heard. Jury is excused and instructed to return tomorrow 8/23/2017 at 9:00 a.m. Court Reporter: Laura Robinson. (mjm) (mjm) (Entered: 08/24/2017)
08/23/2017	<u>211</u>	MOTION to Suppress <i>Based on the Government's Impermissible Intrusions Into Defendant's Attorney–Client Relationship And Privileged Communications Prior To Any Further Trial Proceedings</i> , MOTION to Dismiss , MOTION to Disqualify Counsel filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Mumford, Marcus) (Entered: 08/23/2017)
08/23/2017	<u>212</u>	MOTION for Leave to File <i>Exhibit List</i> filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit Defendant's Exhibit List – August 23 2017) Motions referred to Paul M. Warner.(Mumford, Marcus) (Entered: 08/23/2017)
08/23/2017	<u>213</u>	MOTION to Strike <i>Government's Trial Exhibits and to Dismiss</i> , MOTION to Dismiss , MOTION to Suppress filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 08/23/2017)
08/23/2017	214	Motions No Longer Referred as to Claud R. Koerber: <u>212</u> MOTION for Leave to File <i>Exhibit List</i> , <u>211</u> MOTION to Suppress <i>Based on the Government's Impermissible Intrusions Into Defendant's Attorney–Client Relationship And Privileged Communications Prior To Any Further Trial Proceedings</i> MOTION to Dismiss MOTION to Disqualify Counsel (mjm) (Entered: 08/23/2017)
08/23/2017	221	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 8/23/2017. Out of the presence of the jury the court addresses counsel about the filings received. The court has received docket entry <u>210</u> MOTION to Suppress filed by Claud R. Koerber, docket

		<p>entry <u>211</u> MOTION to Suppress Based on the Government's Impermissible Intrusions Into Defendant's Attorney–Client Relationship And Privileged Communications Prior To Any Further Trial Proceedings, MOTION to Dismiss, MOTION to Disqualify Counsel filed by Claud R. Koerber, docket entry <u>212</u> MOTION for Leave to File Exhibit List filed by Claud R. Koerber, docket entry <u>213</u> MOTION to Strike Government's Trial Exhibits and to Dismiss, MOTION to Dismiss, MOTION to Suppress filed by Claud R. Koerber. Due to the late filings, the court has not had the opportunity to review these documents and the USA has not responded. The jury is seated at 9:30 a.m. USA calls first witness – Mr. Edward Peter Hansen II, who is sworn and gives testimony. USA calls Ms. Kristy Morgan, who is sworn and gives testimony. USA calls FBI Special Agent Cameron Saxey, who is sworn and gives testimony. USA calls witness Mr. Dale Clarke, who is sworn and gives testimony. Exhibits received. The jury is excused at 2:45 p.m. and instructed to return tomorrow 8/24/2017 at 9:00 a.m. Following the jury exiting the courtroom a juror approaches the courtroom deputy and explains a conversation she had. Juror is interviewed by the court and counsel and excused for the day and further instructed to return to trial tomorrow at 9:00 a.m. The court hears from counsel re: the testimony of Special Agent Saxey's testimony. Defendant request the court allow the refile of docket entry <u>211</u> to correct any typos. Discussion is held about defendants exhibits not produced in reciprocal discovery. USA objects to the court allowing the defendants exhibits. The court will review the issue. Docket entry <u>210</u> is discussed, with the USA orally responding. The matter is taken under advisement. The court suggests counsel meet and discuss the issues addressed and make a good faith effort to resolve. If a resolution is not made, then counsel will address the court. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Becky Janke. (mjm) (Entered: 08/29/2017)</p>
08/24/2017	222	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 8/24/2017. Out of the presence of the jury, the court makes the following rulings: DENYING AS MOOT <u>210</u> Motion to Suppress as to Claud R. Koerber and GRANTING IN PART <u>212</u> Motion for Leave to File as to Claud R. Koerber. The Defendant is ordered to produce all marked exhibits by the end of day on Saturday, August 26, 2017. The court further orders that if the defendant seeks to introduce any exhibits to a USA witness, defendant shall give the USA one day advance notice of any exhibits intended to use and identifying the witness. As to docket entry <u>213</u> Defendant's Motion to Strike Governments Trial Exhibit and to Dismiss. If USA intends to file a response to the motion, response is due by the end of the day on 8/30/2017. As to docket entry <u>211</u> Defendant's Motion to Suppress Based on the Government's Impermissible Intrusions into Defendant's Attorney–Client Relationship And Privileged Communications Prior To Any Further Trial Proceedings, Defendant indicates he would like to leave that Motion on the docket as a placeholder, but indicates he will take additional time to file a revised Motion. As such, the court instructs the USA that it need not respond to the Motion at this time. At 9:15 a.m. the jury is seated. The USA reads a list of stipulated exhibits into the record. Stipulated exhibits are admitted into evidence. USA calls first witness Matson Magleby, who is sworn and begins testimony. Witness Frank Breitenstein is sworn and gives testimony. The jury is instructed to write notes with their juror number, if they</p>



		have questions for the court. The jury is excused and instructed to return tomorrow 8/25/2017 at 9:00 a.m. Written Order to follow oral order: No. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark, Attorney for Defendant: Marcus Mumford, Aanda Mendenhall. Court Reporter: Kelly Hicken. (mjm) (Entered: 08/29/2017)
08/25/2017	<u>217</u>	OBJECTIONS <i>Supplemental Objections To Exhibits 25, 25a, 38, 38a &amp; 39 and the Testimony of Michael Isom</i> by Claud R. Koerber (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C (p. 1), # <u>4</u> Exhibit C (p. 2), # <u>5</u> Exhibit D, # <u>6</u> Exhibit E)(Mumford, Marcus) (Entered: 08/25/2017)
08/25/2017	<u>218</u>	NOTICE OF ATTORNEY APPEARANCE: Amanda Bernarr Mendenhall appearing for Claud R. Koerber (Mendenhall, Amanda) (Entered: 08/25/2017)
08/25/2017	223	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 8/25/2017. Out of the presence of the jury the court hears from counsel. At 8:00 a.m. the court received docket entry <u>217</u> OBJECTIONS Supplemental Objections To Exhibits 25, 25a, 38, 38a & 39 and the Testimony of Michael Isom by Claud R. Koerber. The court OVERRULES the Objections as filed untimely. The jury is seated at 9:15 a.m. USA calls Mr. Nicklas Bartetzko, who is sworn and gives testimony. USA calls Mr. Michael Glenn Isom, who is sworn and gives testimony. Jury is excused at 2:45 p.m., given instructions and instructed to return on Monday, 8/28/2017 at 9:00 a.m. Following trial, counsel are instructed to return to the courtroom at 3:00 p.m. with the most knowledgeable people in the courtroom, as to the exchange of documents. Ms. Rebecca Skordas who was defendant's prior counsel will be present. The court hears from the USA regarding the certification of compliance of documents distribute to defendant and defendant's counsel. Ms. Skordas and the defendant answer questions posed by the court as to the receipt of documents. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark, Attorney for Defendant: Marcus Mumford, Amanda Mendenhall. Court Reporter: Ed Young.(mjm) (Entered: 08/29/2017)
08/27/2017	<u>219</u>	Re Audio/Video Recordings And The Government's Hearsay Objections BRIEF filed by Claud R. Koerber (Mumford, Marcus) (Entered: 08/27/2017)
08/28/2017	228	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 8/28/2017. Out of the presence of the jury, the court discusses juror issue. The juror is interviewed by the court and counsel. Jury trial proceeds. Jury is seated at 9:15 a.m. Mr. Michael Glenn Isom is sworn and gives testimony. The jury is excused at 2:50 pm. and instructed to return tomorrow, 8/29/2017 at 9:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Becky Janke(mjm) Modified on 8/31/2017 to insert Court Reporter: Becky Janke (Entered: 08/31/2017)
08/29/2017	<u>220</u>	MEMORANDUM <i>on Rule 16 Discovery Obligations of Defendant and Admissibility of Isom Emails</i> filed by Claud R. Koerber (Mendenhall, Amanda) (Entered: 08/29/2017)
08/29/2017	229	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 8/29/2017. Out of the presence of the jury, the

		<p>court issues the following ruling: DENYING ON THE MERITS AS LACKING BASIS docket entry <u>213</u> Motion to Strike, to Dismiss, to Suppress as to Claud R. Koerber. Argument is heard on the Defendant's proposed exhibits 579–583. The court does not allow Defendant to used proposed exhibits 579–583. The jury is seated at 9:12 a.m. Mr. Michael Glenn Isom – witness resumes the witness stand. Testimony continues. Mr. Forrest Allen – witness is sworn and gives testimony. Jury is excused at 2:30 p.m. and instructed to return tomorrow 8/30/2017 at 9:00 a.m. Out of the presence of the jury, the court hears from the USA re: delivery of exhibits and non–compliance to requests for reciprocal discovery. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Kelly Hicken. Written Order to follow oral order: No. (mjm) (Entered: 08/31/2017)</p>
08/30/2017	<u>225</u>	<p>MOTION to Compel The Government's Notes From Interviews With Forrest Allen filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) Motions referred to Paul M. Warner.(Mumford, Marcus) (Entered: 08/30/2017)</p>
08/30/2017	230	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 8/30/2017. Out of the presence of the jury the court hears from counsel. The USA objects to Defendant's proposed exhibit 419 – Database of emails. The court reviews the document. The jury is seated at 9:00 a.m. Mr. Forest Allen resumes the witness stand. Trial continues. Mr. Dean S. Hamilton is sworn and gives testimony. Mr. Allen resumes the witness stand. The jury is excused at 2:35 p.m. and instructed to return tomorrow 8/31/2017 at 9:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patti Walker. (mjm) (Entered: 08/31/2017)</p>
08/31/2017	<u>226</u>	<p>ADDENDUM by Claud R. Koerber to <u>225</u> MOTION to Compel The Government's Notes From Interviews With Forrest Allen filed by Claud R. Koerber (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mumford, Marcus) (Entered: 08/31/2017)</p>
08/31/2017	227	<p>Motions No Longer Referred as to Claud R. Koerber: <u>225</u> MOTION to Compel The Government's Notes From Interviews With Forrest Allen (mjm) (Entered: 08/31/2017)</p>
08/31/2017	234	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 8/31/2017. Out of the presence of the jury, the court states receiving docket entries <u>225</u> MOTION to Compel The Government's Notes From Interviews With Forrest Allen and docket entry <u>224</u> CJA related motion filed by Claud R. Koerber. Docket entry <u>224</u> is referred to Magistrate Judge Warner. The jury is seated and testimony resumes. Mr. Garth Allred is sworn and gives testimony. Mr. Forrest Allen resumes the witness stand and gives additional testimony. The jury is instructed trial will not be held tomorrow, Friday, September 1 or Monday, September 4. Trial will resume on Tuesday, September 5 at 9:00 a.m. Additional jury reminders given. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ed Young. (mjm) (Entered: 09/06/2017)</p>

09/04/2017	<u>231</u>		MOTION for Declaration of Mistrial <i>or Alternatively for an Order Resolving Discovery and Exhibit Disputes</i> filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 09/04/2017)
09/04/2017	<u>232</u>		MOTION in Limine <i>Re: Testimony of Clark Wilkinson</i> filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 09/04/2017)
09/04/2017	<u>233</u>		MOTION in Limine <i>To Exclude Certain Government Witness Testimony (Jeppson, Hansen, and Gardner)</i> filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 09/04/2017)
09/05/2017	235		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/5/2017. Out of the presence of the jury the court rules on the following motions: DENYING AS MOOT BASED ON THE WITNESS TESTIMONY docket entry <u>232</u> Motion in Limine <i>Re: Testimony of Clark Wilkinson</i> as to Claud R. Koerber. DENYING docket entry <u>233</u> Motion in Limine <i>To Exclude Certain Government Witness Testimony (Jeppson, Hansen, and Gardner)</i> as to Claud R. Koerber. Counsel will inform the court if a hearing is necessary re: bank records. The jury is seated and trial resumes. The following witnesses are sworn and give testimony: Ryan Gardner, Don Hansen, Kiirsten Jeppson and Clark Wilkinson. Testimony heard and exhibits received. The jury is excused at 2:45 p.m. and instructed to return tomorrow, Sept. 6 at 9:00 a.m. Written Order to follow oral order: No. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter; Laura Robinson(mjm) (Entered: 09/06/2017)
09/06/2017	<u>237</u>		MOTION to Exclude <i>Defense Exhibits</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14)(Hackford-Peer, Ruth) (Entered: 09/06/2017)
09/06/2017	<u>238</u>		ERRATA by USA as to Claud R. Koerber to <u>237</u> MOTION to Exclude <i>Defense Exhibits</i> filed by USA <i>Motion filed previously was a draft document.</i> (Hackford-Peer, Ruth) (Entered: 09/06/2017)
09/06/2017	239		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/6/2017. Out of the presence of the jury, the court orders the following: DENYING docket entry <u>225</u> Motion to Compel The Government's Notes From Interviews With Forrest Allen as to Claud R. Koerber and DENYING docket entry <u>231</u> Motion for Declaration of Mistrial or Alternatively for an Order Resolving Discovery and Exhibit Disputes as to Claud R. Koerber. The jury is seated and trial resumes. The government calls the following witnesses, Clark Wilkinson and Kelly Christensen. Witnesses are sworn and testimony heard. The jury is excused and instructed to return tomorrow at 9:00 a.m. Out of the presence of the jury, the court sets a motion hearing for 9/7/2017 at 3:30 p.m., re: bank records. Written Order to follow oral order: No. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patti Walker.(mjm) (Entered: 09/07/2017)



09/07/2017	243		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/7/2017. The court hears from counsel, out of the presence of the jury. The jury is seated at 9:10 a.m. USA calls Kelly Christensen to continue testimony. Mr. Clavell Anderson is called to the witness stand and sworn. The jury is excused at 2:30 p.m. and instructed to return tomorrow at 9:00 a.m. Out of the presence of the jury, counsel state a hearing is no longer necessary at 3:30 p.m. today. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Kelly Hicken.(mjm) (Entered: 09/12/2017)
09/08/2017	244		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/8/2017. The jury is seated at 9:00 a.m. USA calls the following witnesses: Clavell Anderson, Bret Tobler, Sophia Romero and Jeffrey Alan Goodsell. Witnesses are sworn, testimony heard and exhibits received. The jury is excused at 2:45 p.m. and instructed to return on Monday, 9/11/2017 at 9:00 a.m. Following the release of the jury, juror number 6 explains a potential hardship. Juror #6 is interviewed and excused for the day. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ed Young. (mjm) (Entered: 09/12/2017)
09/11/2017	245		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/11/2017. The court meets with counsel, out of the presence of the jury. Juror #6 is excused from jury service. The jury is seated at 9:00 a.m. USA calls the following witnesses: Mr. Craig Carroll, Mr. Richard Alan Dutcher and Steven P. Osborne who are sworn. Testimony heard and exhibits received. The jury is excused at 2:45 p.m. and instructed to return tomorrow, 9/12/2017 at 9:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patti Walker.(mjm) (Entered: 09/12/2017)
09/12/2017	254		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/12/2017. Out of the presence of the jury, the court meets with counsel. The jury is seated and hears continued testimony from Steven P. Osborne. The following witnesses are also sworn and give testimony: Jerel Duane Clark Jr. and Paul Bouchard. The jury is excused at 3:00 p.m. and instructed to return tomorrow at 9:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Laura Robinson. (mjm) (Entered: 09/15/2017)
09/13/2017	<u>251</u>		MOTION in Limine <i>To Exclude The Government's Summary Witnesses And Exhibits</i> filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 09/13/2017)
09/13/2017	<u>252</u>		MOTION in Limine <i>To Exclude IRS Summary Witness And Government Exhibit 143</i> filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 09/13/2017)
09/13/2017	255		Minute Entry for proceedings held before Judge Robert J. Shelby: Out of the presence of the jury the court rules as follows: DENYING as untimely, docket entry <u>251</u> Motion in Limine as to Claud R. Koerber. Jury Trial as to Claud R. Koerber held on 9/13/2017. The jury is seated. USA calls Angela Mennitt,

		who is sworn. Testimony given and exhibits received. The jury is excused at 2:50 p.m. and instructed to return tomorrow at 9:00 a.m. Written Order to follow oral order: No. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Kelly Hicken. (mjm) (Entered: 09/15/2017)
09/14/2017	256	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/14/2017. The court takes the bench at 8:45 a.m. to discuss matters with counsel, Mr. Mumford is not present. At 10:07 a.m. the court takes the bench and Agent Roberts is sworn and takes the stand. At 10:08 a.m. Mr. Mumford appears. The jury is seated at 10:18 a.m. and witness – Angela Mennitt resumes the witness stand. The jury is excused for lunch at 12:30 p.m. Out of the presence of the jury, Defendant makes an oral motion for mistrial. The court DENIES the oral motion for mistrial. Trial resumes at 1:15 p.m. and testimony resumes. The jury is excused at 2:50 p.m. and instructed to return Monday, Sept 18 at 9:00 a.m. Court Reporter: Ed Young. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. (mjm) (Entered: 09/15/2017)
09/15/2017	<u>253</u>	MOTION to Exclude <i>DEFENSE EXHIBITS 514 (clips 1 15 and 19–22), 520(a,b,c,d,j,k,l), and 525</i> by USA as to Claud R. Koerber. (Hackford–Peer, Ruth) (Entered: 09/15/2017)
09/18/2017	258	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/18/2017. The court meets with counsel out of the presence of the jury. The government will rest today. Defendant's counsel request the court set a time to hear Rule 29 motions. The court will hear Defendant's motions at 2:30 p.m. today. The jury is seated and trial resume. Government witness – Steven Roberts is called to the witness stand. Steven Roberts is sworn and gives testimony. The government rests at 11:15 a.m. Following lunch, the Defendant begins case and calls the Defendant Claud R. Koerber to the witness stand. The Defendant is sworn and begins testimony. The jury is excused at 2:45 p.m. and instructed to return tomorrow at 9:00 a.m. Out of the presence of the jury, the court hears the Defendant's Rule 29 oral motions. The government moves to withdraw Count 14 of the Indictment, which the court orders dismissed. The Defendant's motions are taken under advisement. Mr. Mumford explains that he has oral argument in Denver, CO., on Monday Sept 25, 2017. The court will not hold jury trial on 9/25/2017. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ed Young. (mjm) (Entered: 09/20/2017)
09/19/2017	259	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/19/2017. Counsel meet with the court out of the presence of the jury. The jury is seated at 9:00 a.m. The Defendant – Claud R. Koerber resumes the witness stand. Testimony heart and exhibits received. The jury is excused at 2:45 p.m. and instructed to return tomorrow at 9:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patti Walker. (mjm) (Entered: 09/20/2017)

09/20/2017	275		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/20/2017. The court meets with counsel out of the presence of the jury. The jury is seated at 9:00 a.m. and informed that trial will not be held on Monday, September 25, 2017 and Friday, September 29, 2017. Witness Claud R. Koerber resumes the witness stand. Testimony heard and exhibits received. The jury excused at 2:45 p.m. and instructed to return tomorrow 9/21 at 9:00 a.m. Out of the presence of the jury the court meets with counsel to discuss exhibits. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patty Walker. (mjm) (Entered: 09/28/2017)
09/21/2017	276		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/21/2017. The court meets with counsel out of the presence of the jury and states an order will be issued on the matters discussed on 9/20/2017. The jury is seated at 9:00 a.m. and Claud R. Koerber resumes the witness stand. Testimony heard and exhibits received. The jury is excused at 3:06 p.m. and instructed to return tomorrow 9/22 at 9:00 a.m. The court holds a sealed ex parte hearing with defendant's counsel to discuss CJA matters. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Kelly Hicken.(mjm) (Entered: 09/28/2017)
09/22/2017	277		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/22/2017. The court meets with counsel prior to jury trial. The jury is seated at 9:00 a.m. Claud R. Koerber resumes the witness stand. Testimony heard and exhibits received. The jury is excused at 2:45 p.m. and instructed to return on Tuesday, 9/26/2017 at 9:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patti Walker. (mjm) (Entered: 09/28/2017)
09/25/2017			Notice of Withdrawal. U.S. Probation and Pretrial Services hereby advises the Court that Stacey S. Hirata should be terminated from this case as to Claud R. Koerber (ssh) (Entered: 09/25/2017)
09/25/2017	<u>266</u>		MOTION to Exclude <i>DEFENSE EXHIBITS 512B and 513A, 513M, and 513T</i> by USA as to Claud R. Koerber. (Hackford-Peer, Ruth) (Entered: 09/25/2017)
09/26/2017	<u>267</u>		MOTION in Limine <i>To Allow Defense Expert And Summary Testimony</i> filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 09/26/2017)
09/26/2017	<u>268</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Prosecution's Opening Statement as to Claud R. Koerber held on August 22, 2017 before Judge Robert J. Shelby. Court Reporter/Transcriber Laura W. Robinson, RPR, FCRR, CSR, CP, Telephone number (801)328-4800.  <b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted</b>

		<p><b>time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/17/2017. Redacted Transcript Deadline set for 10/27/2017. Release of Transcript Restriction set for 12/26/2017. (jds) Modified by removing restricted text on 12/27/2017 (rks). (Entered: 09/26/2017)</p>
09/26/2017	281	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/26/2017. The court meets with counsel outside the presence of the jury. The jury is seated and defendant calls Jose Reyna to the witness stand. Mr. Reyna is sworn and gives testimony. Following Mr. Reyna's testimony, Mr. Koerber resumes the witness stand. The jury is excused at 2:30 p.m. and instructed to return tomorrow at 9:00 a.m. Out of the presence of the jury, the court hears from counsel re: summary exhibits. The defendant takes the witness stand and answers questions about the preparation of summary exhibits. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ed Young.(mjm) (Entered: 10/02/2017)</p>
09/27/2017	<u>271</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of JURY TRIAL DISCUSSION AFTER JURY LEFT as to Claud R. Koerber held on SEPTEMBER 21, 2017 before Judge Robert J. Shelby. Court Reporter/Transcriber KELLY BROWN HICKEN, RPR, RMR, Telephone number 801-521-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/18/2017. Redacted Transcript Deadline set for 10/30/2017. Release of Transcript Restriction set for 12/26/2017. (jds) Modified by removing restricted text on 12/27/2017 (rks). (Entered: 09/27/2017)</p>
09/27/2017	<u>273</u>	<p>RESPONSE to Motion by USA as to Claud R. Koerber re <u>267</u> MOTION in Limine <i>To Allow Defense Expert And Summary Testimony</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Hackford-Peer, Ruth) (Entered: 09/27/2017)</p>
09/27/2017	<u>274</u>	<p>NOTICE of Defense Rebuttal Expert And Summary Reports by Claud R. Koerber (Attachments: # <u>1</u> Exhibit 1 (Spencer Report), # <u>2</u> Exhibit 2</p>

		(Hardman Slides)) (Mumford, Marcus) (Entered: 09/27/2017)
09/27/2017	282	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/27/2017. Out of the presence of the jury, the court rules that the demonstrative aids discussed will not be admitted as exhibits. The jury is seated at 9:00 a.m. The defendant resumes the witness stand. Mr. Max Wheeler is called to the witness stand. Mr. Wheeler is sworn and gives testimony. The jury is excused at 2:30 p.m. and instructed to return tomorrow at 9:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Kelly Hicken. (mjm) (Entered: 10/02/2017)
09/28/2017	<u>278</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Discussion Regarding Exhibits as to Claud R. Koerber held on September 20, 2017 before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/19/2017. Redacted Transcript Deadline set for 10/30/2017. Release of Transcript Restriction set for 12/27/2017. (jds) Modified by removing restricted text on 12/27/2017 (rks). (Entered: 09/28/2017)</p>
09/28/2017	283	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 9/28/2017. Counsel meet with the court prior to the jury escorted into the courtroom. The jury is seated at 9:00 a.m. Jason Vaughn is sworn and gives testimony. Mr. Russell Skousen is also called to the witness stand. Testimony heard and exhibits received the jury is excused at 2:45 p.m. and instructed to return Monday, 10/2 at 9:00 a.m. Jury trial will not be held tomorrow, 9/29. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Laura Robinson. (mjm) (Entered: 10/02/2017)
09/29/2017	<u>280</u>	Supplemental MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>267</u> MOTION in Limine <i>To Allow Defense Expert And Summary Testimony</i> (Murray, Tyler) (Entered: 09/29/2017)
10/02/2017	291	Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 10/2/2017. The court meets with counsel out of the presence of the jury. The jury is seated at 9:30 a.m. Trial resumes. The



		<p>following are called to the witness stand: Mr. Russell Skousen, Mr. Cody Moore, Mr. Wayne Carl Andreason and Mr. David Hardman. Witnesses are sworn, testimony given and exhibits received. The jury is excused at 3:00 p.m. and instructed to return tomorrow at 9:00 a.m. Out of the presence of the jury, the court meets with counsel. The court instruct defendant's counsel to deliver proposed jury instruction via email. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patti Walker. (mjm) (Entered: 10/09/2017)</p>
10/03/2017	292	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 10/3/2017. The court meets with counsel and the jury is informed that trial will resume at 10:00 a.m. The court DENIES docket entry <u>267</u> MOTION in Limine To Allow Defense Expert And Summary Testimony filed by Claud R. Koerber. A written order will follow. The jury is seated at 10:25 a.m. Defendant calls David Hardman. Witness is sworn and gives testimony. The jury is excused at 2:45 p.m. The court meets with counsel. The courtroom is cleared for a sealed discussion with defendant and counsel. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patti Walker. (mjm) (Entered: 10/09/2017)</p>
10/04/2017	<u>284</u>	<p>Defendant's MOTION to Exclude <i>Government's Proposed Rebuttal Witnesses</i> filed by Claud R. Koerber. (Mumford, Marcus) (Entered: 10/04/2017)</p>
10/04/2017	293	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 10/4/2017. The court meets with counsel, outside the presence of the jury. The court has received the motion filed by defendant, docket entry <u>284</u> Defendant's MOTION to Exclude Government's Proposed Rebuttal Witnesses. The court will reserve a ruling on the motion. After a review of some exhibits, the defendant rests. USA begins calling rebuttal witnesses. Craig Carroll, Cameron Saxey, Andrea Pendleton, Brad Jacobsen and Justin Elswick are called as witnesses. Witnesses sworn, testimony heard and exhibits received. The defendant begins rebuttal and calls Claud Koerber back to the witness stand. USA Rests. Defendant is sworn and gives testimony. The jury is excused and instructed to return Friday, October 6. The court meets with counsel and discusses jury instructions. Counsel and parties to meet with the court at 10:00 a.m. to finalize jury instructions. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Patti Walker.(mjm) (Entered: 10/09/2017)</p>
10/05/2017	294	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 10/5/2017. The court meets with counsel to begin jury instructions conference. The court takes the bench and meets with counsel to state objections on the record and discuss the verdict form. Counsel discuss exhibits that will be given to the jury when deliberations begin. The court explains the procedure on selecting alternate jurors. A card with each juror number (except juror #6) will be dropped in the wheel. Kris Porter, Jury Administrator will pull out 2 cards, which will be the alternates. The alternates will be thanked and excused following closing arguments and jury instructions and before the jury begins deliberations. The jury will return tomorrow, Friday 10/6/2017 at 9:00 a.m. to begin hearing closings statements and jury</p>

		instructions. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ed Young. (mjm) (Entered: 10/16/2017)
10/06/2017	<u>287</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Testimony of Forrest Lee Allen Pages 1–39 as to Claud R. Koerber held on August 29, 2017 before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown, Hicken RPR, RMR, Telephone number 801–521–7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/27/2017. Redacted Transcript Deadline set for 11/6/2017. Release of Transcript Restriction set for 1/4/2018. (jmr) Modified by removing restricted text on 1/16/2018 (rks). (Entered: 10/06/2017)</p>
10/06/2017	<u>288</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Testimony of Angela Mennitt Pages 1–187 as to Claud R. Koerber held on September 13, 2017 before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown, Hicken RPR, RMR, Telephone number 801–521–7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/27/2017. Redacted Transcript Deadline set for 11/6/2017. Release of Transcript Restriction set for 1/4/2018. (jmr) Modified by removing restricted text on 1/16/2018 (rks). (Entered: 10/06/2017)</p>
10/06/2017	<u>289</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial–Discussion After Jury Left as to Claud R. Koerber held on September 21, 2017 before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown, Hicken RPR, RMR, Telephone number 801–521–7238.

		<p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/27/2017. Redacted Transcript Deadline set for 11/6/2017. Release of Transcript Restriction set for 1/4/2018. (jmr) Modified by removing restricted text on 1/16/2018 (rks). (Entered: 10/06/2017)</p>
10/06/2017	295	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 10/6/2017. The court meets with counsel, outside the presence of the jury. The attorneys are told juror #3 is excused, prior to beginning closing statements. A record will be made of the issue, following the jury beginning deliberations. The jury is seated at 9:30 a.m. Jury instructions read to the jury. At 11:00 a.m. the USA begins closing statements. The jury is excused for lunch at 12:55 p.m. At 1:50 p.m. Defense begins closing statements. At 5:45 p.m. USA gives last closing statements. Final jury instructions given to the jury at 6:45 p.m. Kris Porter, Jury Administrator places cards of the remaining jurors (excluding juror #3 and juror #6) in the wheel. Cards picked are juror #4 and juror #14, who are excused as alternates. Office Terry Chen is sworn and escorts the jury to the jury room to begin deliberations. Ruth Hackford–Peer and Amanda Mendenhall stipulate on the record as to the exhibits, admitted during trial which will be delivered to the jury. The jury begins deliberating at 7:00 p.m. The court holds a sealed hearing to make a record of excusing juror #3. At 10:10 p.m. the court is informed that the jury will retire for the evening and resume deliberations on Monday, 10/9/2017 at 9:00 a.m. Attorney for Plaintiff: Stewart Walz, Ruth Hackford Peer, Tyler Murray, Aaron Clark; Attorney for Defendant: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ed Young.(mjm) Modified on 10/16/2017 – inserting the following – Kris Porter, Jury Administrator places cards of the remaining jurors (excluding juror #3 and juror #6) in the wheel. Cards picked are juror #4 and juror #14, who are excused as alternates. (mjm). (Entered: 10/16/2017)</p>
10/06/2017	<u>305</u>	Jury Instructions as to Claud R. Koerber (mjm) (Entered: 10/19/2017)
10/10/2017	296	<p>Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 10/10/2017. The court has received a note from the jury. Counsel and defendant appear by phone. Discussion heard on the jury note received today at 3:30p.m. Counsel provided proposed language for a response. Court will formulate a response and send to counsel and defendant. Court adjourned. Court Reporter: Ray Fenlon. Plaintiff's counsel: Ruth Hackford–Peer, Stewart Walz, Tyler Murray, Aaron Clark; Defendant's counsel: Marcus Mumford and Amanda Mendenhall(mjm) (Entered: 10/19/2017)</p>



10/11/2017	297		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 10/11/2017. The jury sent a note at 7:30 p.m. regarding copies. The court contacts counsel and defendant. Court will formulate a response and send to counsel and defendants. Plaintiff's counsel: Ruth Hackford–Peer, Stewart Walz, Tyler Murray, Aaron Clark; Defendant's counsel: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ray Fenlon. (mjm) (Entered: 10/19/2017)
10/14/2017	298		Minute Entry for proceedings held before Judge Robert J. Shelby: Jury Trial as to Claud R. Koerber held on 10/14/2017. Counsel and defendant contacted. Discussion heard on the jury note received today at 11:10 a.m. Counsel provided proposed language for a response. Court will formulate a response and send to counsel and defendant. Court adjourned. Plaintiff's counsel: Ruth Hackford–Peer, Stewart Walz, Tyler Murray, Aaron Clark; Defendant's counsel: Marcus Mumford and Amanda Mendenhall. Court Reporter: Ray Fenlon. (mjm) (Entered: 10/19/2017)
10/16/2017	299		Minute Entry for proceedings held before Judge David Nuffer: Jury Trial as to Claud R. Koerber held on 10/16/2017. Counsel and defendant contacted. Discussion heard on the jury note received today at 2:00 p.m. Counsel provided proposed language for a response. Court will formulate a response and send to counsel and defendant. Court adjourned. Plaintiff's counsel: Ruth Hackford–Peer, Stewart Walz, Tyler Murray, Aaron Clark; Defendant's counsel: Marcus Mumford and Amanda Mendenhall. Court Reporter: Kelly Hicken. (mjm) Modified by correcting judge on 10/19/2017 (rks). (Entered: 10/19/2017)
10/16/2017	300		Minute Entry for proceedings held before Judge David Nuffer: Jury Trial as to Claud R. Koerber held on 10/16/2017. The court received a note from the jury at 3:00 p.m. Counsel and defendant contacted and instructed to appear in court. The jury is escorted to the courtroom and affirm that they are hung and can not reach a decision. The court declares a mistrial. The court reviews a jury instruction that is given to the jurors. The court states contact information is not provided to any party. The parties may provide the jury administrator correspondence, which may be mailed to the jurors. The jury is thanked and discharged from jury service. <i>(The jury deliberated on the following dates/times: 10/6/2017 7:00 p.m. to 10:30 p.m., 10/9/2017 9:00 a.m. to 7:00 p.m., 10/10/2017 7:30 a.m. to 5:30 p.m., 10/11/2017 9:00 a.m. to 9:10 p.m., 10/12/2017 8:30 a.m. to 1:00 p.m., 10/14/2014 9:00 a.m. to 5:30 p.m., 10/16/2017 7:30 a.m. to 3:30 p.m.)</i> Plaintiff's counsel: Ruth Hackford–Peer, Stewart Walz, Tyler Murray, Aaron Clark; Defendant's counsel: Marcus Mumford and Amanda Mendenhall. Court Reporter: Kelly Hicken. (mjm) Modified by correcting judge on 10/19/2017 (rks). (Entered: 10/19/2017)
10/16/2017	301		<b>DECLARATION OF MISTRIAL as to Claud R. Koerber (1) Count 1–4, 5–14, 15–16, 17–18. Signed by Judge David Nuffer on 10/16/2017.(rks)</b> (Entered: 10/19/2017)
10/16/2017	<u>302</u>		<b>**SEALED DOCUMENT**</b> Jury Notes as to Claud R. Koerber (mjm) (Entered: 10/19/2017)
10/19/2017	303		MODIFICATION OF DOCKET as to Claud R. Koerber. Error: Wrong judge was chosen for the proceeding held. Correction: Modified the text to reflect Judge David Nuffer instead of Judge Robert J. Shelby re 299 , 300 Jury Trial

		minute entries. (rks) (Entered: 10/19/2017)
10/19/2017	<u>304</u>	Witness and Exhibit List as to Claud R. Koerber(mjm) (Entered: 10/19/2017)
10/20/2017	<u>306</u>	<b>**SEALED DOCUMENT**</b> Jury Panel Record as to Claud R. Koerber (mjm) (Entered: 10/20/2017)
10/20/2017	<u>307</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Testimony of Forrest Allen as to Claud R. Koerber held on August 30, 2017 before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801–364–5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/13/2017. Redacted Transcript Deadline set for 11/20/2017. Release of Transcript Restriction set for 1/18/2018. (jds) Modified on 1/25/2018 by removing restricted text (jlw). (Entered: 10/20/2017)</p>
11/01/2017	<u>309</u>	MOTION for a Scheduling Conference by USA as to Claud R. Koerber. Motions referred to Paul M. Warner.(Hackford–Peer, Ruth) (Entered: 11/01/2017)
11/03/2017	<u>310</u>	<b>ORDER OF RECUSAL</b> in case as to Claud R. Koerber. Judge Robert J. Shelby recused. Case reassigned to Judge David Nuffer for all further proceedings. Signed by Judge Robert J. Shelby on 11/3/2017.(jds) (Entered: 11/03/2017)
11/03/2017	<u>311</u>	<b>ORDER</b> as to Claud R. Koerber: This case is pending assignment to a judge from another district. When a judge has been designated, a recusal will be processed so the new assignment may occur. Signed by Judge David Nuffer on 11/3/17 (alt) (Entered: 11/03/2017)
11/13/2017	<u>312</u>	RECEIPT filed by Plaintiff USA as to Claud R. Koerber re: Trial Exhibits. Withdrawal of 109–coin; 26–magazine; 29–magazine; 32–magazine; 33–magazine. Signed by Ruth Hackford–Peer, AUSA dated 11/13/2017 (mjm) (Entered: 11/14/2017)
11/15/2017	313	<p><b>DOCKET TEXT ORDER</b> taking under advisement <u>309</u> Motion for Scheduling Conference as to Claud R. Koerber (1). The following deadlines are set in anticipation of assignment of a presiding judge from outside the District of Utah.</p> <p>By no later than Friday December 1, 2017, the parties shall meet, confer, and either jointly or separately file a proposed schedule governing the retrial of this</p>

		<p>case.</p> <p>The proposed schedule must indicate:</p> <p>(1) any changes to the jury instructions, voir dire and jury selection procedures used in Defendant's prior trial;</p> <p>(2) proposed dates and times on which the parties and counsel are available to attend a final pretrial conference and jury selection;</p> <p>(3) proposed trial dates on which the parties, counsel and witnesses are available to attend; and</p> <p>(4) other issues needing resolution before trial.</p> <p>A scheduling conference is set for Wednesday December 6, 2017, at 2:30 p.m., in courtroom 3.100, in anticipation that an out-of-district judge will have been assigned to the case and able to conduct the hearing at such time.</p> <p>Pursuant to 18 U.S.C. 3161(h)(1)(D) all time from the filing of the government's <u>309</u> Motion for Scheduling Order, November 1, 2017, and the conclusion of the scheduling conference is automatically excluded from Defendant's speedy trial computation.</p> <p>Signed by Judge David Nuffer on 11/15/2017. No attached document. (apm) (Entered: 11/15/2017)</p>
11/15/2017	314	<p><b><u>NOTICE OF HEARING ON MOTION</u></b> in case as to Claud R. Koerber re <u>309</u> MOTION for a Scheduling Conference :</p> <p>Motion Hearing set for Wednesday, 12/6/2017 at 02:30 PM in Rm 3.100 before the assigned out-of-district judge. (asb) (Entered: 11/15/2017)</p>
11/24/2017	<u>315</u>	<p>NOTICE OF WITHDRAWAL OF COUNSEL of Marcus R. Mumford filed by Amanda Bernarr Mendenhall for Claud R. Koerber (Mendenhall, Amanda) (Entered: 11/24/2017)</p>
11/27/2017		<p>Attorney update in case as to Claud R. Koerber. Attorney Marcus R. Mumford terminated per <u>315</u> Notice and instruction from Chief Deputy Clerk (alt) (Entered: 11/27/2017)</p>
11/27/2017	316	<p><b><u>NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated by PMW chambers) Status Conference re: Counsel set for 11/30/2017 at 03:00 PM in Rm 7.100 before Magistrate Judge Paul M. Warner. (ksm) (Entered: 11/27/2017)</p>
11/29/2017	<u>317</u>	<p>MOTION to Withdraw as Attorney by Amanda B. Mendenhall. filed by Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Paul M. Warner.(Mendenhall, Amanda) (Entered: 11/29/2017)</p>
11/29/2017	318	<p><b>DOCKET TEXT ORDER</b> granting <u>317</u> Motion to Withdraw as Attorney. Amanda Bernarr Mendenhall withdrawn from case for Claud R. Koerber. <b><u>NOTICE TO CHAMBERS: Defendant is now without counsel.</u></b> as to Claud R. Koerber (1) Signed by Magistrate Judge Paul M. Warner on 11/29/2017. No attached document. (ksm) (Entered: 11/29/2017)</p>
11/30/2017	319	<p>Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Status Conference as to Claud R. Koerber held on 11/30/2017. Defendant</p>

		present, appearing pro se, not in custody. The court will allow Mr. Koerber until next Wednesday, 12/6 to decide whether or not he would like appointed counsel or would like to continue pro se. The court informs all parties of a potential trial date of April 2, 2018. The court sets a status/scheduling: (Status Conference set for 12/6/2017 at 02:30 PM in Rm 7.100 before Magistrate Judge Paul M. Warner.) Attorney for Plaintiff: Stu Walz, Tyler Murray, Ruth Hackford-Peer, and Aaron Clark, Attorney for Defendant: Claud R. Koerber, Pro Se. Interpreter: Not Needed. Probation Officer: Not Present. Court Reporter: electronic. (Time Start: 3:00:14 pm, Time End: 3:35:43 pm, Room 7.100.) (ksm) (Entered: 11/30/2017)
12/01/2017	320	<b>DOCKET TEXT ORDER – The deadline re 313 the parties shall meet, confer, and either jointly or separately file a proposed schedule governing the retrial of this case, is hereby canceled. The parties do not need to submit a proposed schedule. Signed by Judge David Nuffer on 12/1/2017.(ms)</b> (Entered: 12/01/2017)
12/06/2017	321	Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Status Conference as to Claud R. Koerber held on 12/6/2017. Defendant present pro se. Counsel for govt. present. The court hears from counsel. The court continues the matter until Friday, December 8, 2017 at 2:30 pm. ( Status Conference set for 12/8/2017 at 02:30 PM in Rm 7.100 before Magistrate Judge Paul M. Warner.) Attorney for Plaintiff: Stew Walz, Tyler Murray, Ruth Hackford-Peer, and Aaron Clark, Attorney for Defendant: Rick Koerber (Pro Se). Interpreter: Not Needed. Probation Officer: Not Present. Court Reporter: electronic. (Time Start: 2:30:11 pm, Time End: 2:50:29 pm, Room 7.100.) (ksm) (Entered: 12/06/2017)
12/08/2017	322	Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Status Conference as to Claud R. Koerber held on 12/8/2017. Defendant present not in custody. Defendant requests that counsel be appointed. The court appoints FPD counsel. Added attorney Robert K. Hunt, Kathryn Neal Nester, Daphne A. Oberg for Claud R. Koerber. The defendant will waive any formal conflicts that have arisen with the FPD office. Written waivers to be filed with the court within 10 days. Written Scheduling Order to follow. The defendant does not object to the schedule set by the court for purposes of speedy trial. The court excludes all time from now (December 8, 2017) until June 4, 2018 for purposes of speedy trial. Govt. to submit written order within 10 days. (8 WEEK Jury Trial set for 6/4/2018 at 08:30 AM in Rm 3.100 before Judge David Nuffer.) Attorney for Plaintiff: Stew Walz, Tyler Murray, Ruth Hackford-Peer, Attorney for Defendant: Robb Hunt, FPD. Interpreter: Not needed. Probation Officer: Not Needed. Court Reporter: electronic. (Time Start: 2:30:56 pm, Time End: 3:04:05 pm, Room 7.100.) (ksm) (Entered: 12/08/2017)
12/12/2017	323	<b>DOCKET TEXT ORDER finding as moot <u>309</u> Motion for a Scheduling Conference by USA as to Claud R. Koerber. The motion has been rendered moot by the proceedings at the status conference held on 12/08/2017 (docket no. 322). Signed by Magistrate Judge Paul M. Warner on 12/12/2017. (docket text order; no attached document) (jcd)</b> (Entered: 12/12/2017)
12/18/2017	<u>324</u>	<b>ORDER TO CONTINUE – Ends of Justice as to Claud R. Koerber: Time excluded from 12/8/17 until 6/4/18. 8-Week Jury Trial set for 6/4/2018 at</b>

			08:30 AM in Rm 3.100 before Judge David Nuffer. Signed by Magistrate Judge Paul M. Warner on 12/18/17 (alt) (Entered: 12/18/2017)
12/18/2017	<u>325</u>		<del>MOTION</del> Waiver of Conflicts of Interest filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit A–Declaration of Claud R. Koerber) Motions referred to Paul M. Warner.(Nester, Kathryn) Modified on 12/19/2017: corrected text – document is not a motion (alt) (Entered: 12/18/2017)
12/19/2017	326		NOTICE OF DEFICIENCY re <u>325</u> MOTION Waiver of Conflicts of Interest. The document is not a motion. Only filings moving for court action are to be filed using the " <u>Motions</u> " filing event. Other types of filings with no matching filing event should be filed using the " <u>Notice of Filing</u> " or " <u>Notice (Other)</u> " filing events. The clerk has terminated the document as a pending motion so it does not generate a pending motions report and will edit the entry text to show the error. (alt) (Entered: 12/19/2017)
12/20/2017	<u>327</u>		CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY ( <i>FIFTEENTH</i> ) filed by USA as to Claud R. Koerber. (Murray, Tyler) (Entered: 12/20/2017)
12/21/2017	<u>328</u>		NOTICE of Regarding Emails by USA as to Claud R. Koerber (Hackford–Peer, Ruth) (Entered: 12/21/2017)
12/28/2017	<u>329</u>		Supplemental CERTIFICATE OF COMPLIANCE and Request for Reciprocal Discovery ( <i>Sixteenth</i> ) filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 12/28/2017)
12/29/2017	331		Motions No Longer Referred as to Claud R. Koerber: <u>330</u> SEALED EX PARTE MOTION (ms) (Entered: 12/29/2017)
01/02/2018	<u>332</u>		RECEIPT withdrawn by Plaintiff USA as to Claud R. Koerber. Withdrawal of trial exhibit 25C Oversized pie chart. (mjm) (Entered: 01/02/2018)
01/02/2018	<u>333</u>		MOTION To Allow Briefing by USA as to Claud R. Koerber. Motions referred to Paul M. Warner.(Hackford–Peer, Ruth) (Entered: 01/02/2018)
01/09/2018	<u>335</u>		<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on August 24, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801–524–7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/30/2018. Redacted Transcript Deadline set for 2/9/2018.</p>

		Release of Transcript Restriction set for 4/9/2018 (alt) Modified by removing restricted text on 4/9/2018 (rgj). (Entered: 01/09/2018)
01/09/2018	<u>336</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on August 29, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801-524-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/30/2018. Redacted Transcript Deadline set for 2/9/2018. Release of Transcript Restriction set for 4/9/2018 (alt) Modified by removing restricted text on 4/9/2018 (rgj). (Entered: 01/09/2018)</p>
01/09/2018	<u>337</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 7, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801-524-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/30/2018. Redacted Transcript Deadline set for 2/9/2018. Release of Transcript Restriction set for 4/9/2018 (alt) Modified by removing restricted text on 4/9/2018 (rgj). (Entered: 01/09/2018)</p>
01/09/2018	<u>338</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 13, 2017, before Judge Robert J. Shelby.. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801-524-7238.



		<p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/30/2018. Redacted Transcript Deadline set for 2/9/2018. Release of Transcript Restriction set for 4/9/2018 (alt) Modified by removing restricted text on 4/9/2018 (rgj). (Entered: 01/09/2018)</p>
01/09/2018	<u>339</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 21, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801-524-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/30/2018. Redacted Transcript Deadline set for 2/9/2018. Release of Transcript Restriction set for 4/9/2018 (alt) Modified by removing restricted text on 4/9/2018 (rgj). (Entered: 01/09/2018)</p>
01/09/2018	<u>340</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 27, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801-524-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set</b></p>

		<p><b>forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/30/2018. Redacted Transcript Deadline set for 2/9/2018. Release of Transcript Restriction set for 4/9/2018 (alt) Modified by removing restricted text on 4/9/2018 (rgj). (Entered: 01/09/2018)</p>
01/10/2018	<u>342</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Opening Statements as to Claud R. Koerber held on August 22, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Laura W. Robinson, Telephone number 801–328–4800.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/31/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/10/2018 (alt) Modified by removing restricted text on 4/10/2018 (rgj). (Entered: 01/10/2018)</p>
01/10/2018	<u>343</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 5, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Laura W. Robinson, Telephone number 801–328–4800.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/31/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/10/2018 (alt) Modified by removing restricted text on 4/10/2018 (rgj). (Entered: 01/10/2018)</p>
01/10/2018	<u>344</u>	

		<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 12, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Laura W. Robinson, Telephone number 801-328-4800.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/31/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/10/2018 (alt) Modified by removing restricted text on 4/10/2018 (rgj). (Entered: 01/10/2018)</p>
01/10/2018	<u>345</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 28, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Laura W. Robinson, Telephone number 801-328-4800.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/31/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/10/2018 (alt) Modified by removing restricted text on 4/10/2018 (rgj). (Entered: 01/10/2018)</p>
01/12/2018	<u>347</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on August 30, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are</b></p>

		<p><b>located on the court's website at <a href="http://www.utsd.uscourts.gov">www.utsd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)</p>
01/12/2018	<u>348</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 6, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utsd.uscourts.gov">www.utsd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)</p>
01/12/2018	<u>349</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 11, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utsd.uscourts.gov">www.utsd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction</p>

		Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)
01/12/2018	<u>350</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 19, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)</p>
01/12/2018	<u>351</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 20, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)</p>
01/12/2018	<u>352</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 22, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.

		<p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)</p>
01/12/2018	<u>353</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on October 2, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)</p>
01/12/2018	<u>354</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on October 3, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set</b></p>



		<p><b>forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)</p>
01/12/2018	<u>355</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on October 4, 2017, before Judge Robert J. Shelby. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/2/2018. Redacted Transcript Deadline set for 2/12/2018. Release of Transcript Restriction set for 4/12/2018 (alt) Modified by removing restricted text on 4/12/2018 (rgj). (Entered: 01/12/2018)</p>
02/15/2018	<u>358</u>	CERTIFICATE OF COMPLIANCE <i>Seventeenth</i> filed by USA as to Claud R. Koerber. (Walz, Stewart) (Entered: 02/15/2018)
02/16/2018	<u>359</u>	RECEIPT filed by Defendant Claud R. Koerber as to Claud R. Koerber re: Trial Exhibits. Withdrawal of 700 – Property Binder, by Geri Wynhoff for Kathy Nester, FPD (mjm) (Entered: 02/16/2018)
02/20/2018	<u>360</u>	Designation and Assignment of a Senior United States Judge for Service in Another District. Case as to Claud R. Koerber Reassigned to Judge Frederic Block from the Eastern District of New York. Judge David Nuffer no longer assigned to the case per <u>311</u> Order. (rks) (Entered: 02/20/2018)
02/21/2018	361	<b><u>NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated by jwt). Telephone Conference set for 3/15/2018 at 02:30 PM in Rm 7.300 before Judge Frederic Block. (jwt) (Entered: 02/21/2018)
02/21/2018	<u>362</u>	NOTICE AFFIRMING PRIOR ORDER OF REFERENCE re 39 Order Referring Case to Magistrate Judge. Orders of the prior judge are affirmed including the order of reference to Magistrate Judge Paul M. Warner under 28:636 (b)(1)(A). (rks) (Entered: 02/21/2018)
02/23/2018	363	<b><u>AMENDED NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated by jwt) Scheduling Conference set for 2/28/2018 at 02:30 PM in Rm

		3.100 before Judge Frederic Block. (NOTE: hearing will not be telephonic but by video; parties to be present.) (jwt) (Entered: 02/23/2018)
02/23/2018		Terminate Deadlines and Hearings as to Claud R. Koerber: Telephone conference scheduled for 3/15/18 terminated; rescheduled to 2/28/2018. (jwt) (Entered: 02/23/2018)
02/26/2018	<u>364</u>	<b><u>AMENDED NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated by jwt). Scheduling Conference set for 2/27/2018 at 02:30 PM in Rm 3.100 before Judge Frederic Block. <b>Note change of hearing date.</b> (jwt) (Entered: 02/26/2018)
02/26/2018	<u>365</u>	NOTICE of Privilege Log by Claud R. Koerber (Hunt, Robert) (Entered: 02/26/2018)
02/27/2018	<u>366</u>	Minute Entry for proceedings held before Judge Frederic Block: Status Conference as to Claud R. Koerber held on 2/27/2018. Defendant present not in custody and with counsel. The court hears from counsel regarding a trial date. Court sets the following dates. Motions due by 4/30/2018. Responses due 5/21/2018. 8 Week Jury Trial set for 9/4/2018 at 08:30 AM in Rm 3.100 before Judge Frederic Block. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathryn Nester, Rob Hunt, Daphne Oberg, FPD. Court Reporter: Laura Robinson.(Time Start: 2:38, Time End: 3:15, Room 3.100.) (las) (Entered: 02/27/2018)
02/28/2018	<u>367</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Stewart C. Walz filed by Stewart C. Walz on behalf of USA as to Claud R. Koerber (Walz, Stewart) (Entered: 02/28/2018)
03/05/2018	<u>368</u>	** NOTICE: As case has been reassigned to District Judge Frederic Block, Motions <u>330</u> , <u>333</u> and <u>357</u> (sealed and not sealed) are moot and terminated. (alt) (docket text only – no attached document) (Entered: 03/05/2018)
03/16/2018		Attorney update in case as to Claud R. Koerber. Attorney Stewart C. Walz terminated per <u>367</u> Withdrawal of Counsel. (rks) (Entered: 03/16/2018)
04/17/2018	<u>369</u>	CERTIFICATE OF COMPLIANCE <i>EIGHTEENTH (18th) AND REQUEST FOR RECIPROCAL DISCOVERY</i> filed by USA as to Claud R. Koerber. (Murray, Tyler) (Entered: 04/17/2018)
04/19/2018	<u>370</u>	<b><u>NOTICE OF HEARING</u></b> as to Claud R. Koerber. Status Conference set for 5/7/2018 at 11:30 AM in Rm 7.100 before Judge Frederic Block. (Notice generated by jwt) (jwt) (Entered: 04/19/2018)
04/26/2018	<u>375</u>	NOTICE OF FILING of Joint Stipulations filed by Claud R. Koerber (Attachments: # <u>1</u> Exhibit 1–List of Bank Accounts)(Nester, Kathryn) (Entered: 04/26/2018)
04/30/2018	<u>376</u>	MOTION to Dismiss <i>Indictment as Time–Barred</i> filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1 – Timeline)(Nester, Kathryn) (Entered: 04/30/2018)
04/30/2018	<u>377</u>	MOTION to Amend/Correct 366 Status Conference,,, Set Deadlines/Hearings,, filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 04/30/2018)

05/02/2018	<u>378</u>		MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>377</u> MOTION to Amend/Correct 366 Status Conference,,, Set Deadlines/Hearings,, (Hackford–Peer, Ruth) (Entered: 05/02/2018)
05/02/2018	<u>379</u>		MOTION to Toll Speedy Trial Act and Exclude Time Under the Speedy Trial Act by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Paul M. Warner.(Hackford–Peer, Ruth) (Entered: 05/02/2018)
05/07/2018	383		Minute Entry for proceedings held before Judge Frederic Block: Status Conference as to Claud R. Koerber held on 5/7/2018. Defendant is present with counsel. The Court addresses procedural preferences and scheduling with the parties regarding the upcoming Jury Trial. Trial is set for 4 weeks and is scheduled to begin September 4, 2018 at 9:00 a.m. The parties are encouraged to stipulate to as many exhibits as possible. The Court advises the parties that they may submit any exhibits which cannot be agreed upon to the court to be pre–screened. If the parties elect to do so, the exhibits must be provided to the Court by no later than August 1, 2018. The Court hears argument regarding <u>376</u> Motion to Dismiss and <u>379</u> Motion to Toll Speedy Trial Act and Exclude Time Under the Speedy Trial Act as to Claud R. Koerber. For the reasons stated on the record, the Court denies <u>376</u> Motion to Dismiss. The Court makes findings as to the exclusion of time under the Speedy Trial Act and grants <u>379</u> , Motion to Toll Speedy Trial Act and Exclude Time Under the Speedy Trial Act and directs the government to prepare and submit a proposed order for signature. The parties discuss possible motions which may be forthcoming. The Court sets motion deadline. (Dispositive Motions due by 6/4/2018). Written Order to follow oral order: Yes. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester and Daphne Oberg, FPD. Interpreter: Not needed. Probation Officer: Not Present. Court Reporter: Electronic/Kelly Hicken. (Time Start: 11:40:03, Time End: 12:58:13, Room 7.100). (tls) Modified by adding text regarding scheduling of Jury Trial on 5/14/2018 (tls). (Entered: 05/14/2018)
05/11/2018	<u>380</u>		<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Claud R. Koerber held on May 7, 2018 before Judge Frederic Block. Court Reporter/Transcriber Kelly Brown Hicken, Telephone number 801–521–7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/1/2018. Redacted Transcript Deadline set for 6/11/2018. Release of Transcript Restriction set for 8/9/2018. (las) Modified by removing restricted text on 8/9/2018 (rgj). (Entered: 05/11/2018)</p>

05/11/2018	<u>382</u>		NOTICE of Proposed Joint Stipulated Order to Continue Jury Trial by USA as to Claud R. Koerber (Hackford–Peer, Ruth) (Entered: 05/11/2018)
05/17/2018	<u>384</u>		<b>ORDER TO CONTINUE per Stipulated Motion – Ends of Justice as to Claud R. Koerber. Time excluded from 6/5/18 until 9/4/18. 4–week Jury Trial reset for 9/4/2018 at 09:00 AM in Rm 3.100 before Judge Frederic Block. Signed by Judge Frederic Block on 5/17/18.(jlw)</b> (Entered: 05/17/2018)
05/21/2018	<u>385</u>		NOTICE OF APPEAL (Interlocutory) Appeals to the USCA Tenth Circuit. No Filing Fee. (Nester, Kathryn) (Entered: 05/21/2018)
05/22/2018	<u>386</u>		Transmission of Preliminary Record to USCA 10th Circuit as to Claud R. Koerber re <u>385</u> Notice of Appeal – Interlocutory. (Attachments: # <u>1</u> Preliminary Record)(jwt) (Entered: 05/22/2018)
05/22/2018	<u>387</u>		USCA Case Number as to Claud R. Koerber Case Appealed to Tenth Circuit Case Number 18–4074 for <u>385</u> Notice of Appeal – Interlocutory filed by Claud R. Koerber. (las) (Entered: 05/22/2018)
05/23/2018	<u>388</u>		CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY (NINETEENTH) 19th filed by USA as to Claud R. Koerber. (Murray, Tyler) (Entered: 05/23/2018)
05/25/2018	<u>389</u>		<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Jury Notes as to Claud R. Koerber held on 10/16/17 before Judge Robert J. Shelby. Court Reporter/Transcriber Kelly Brown Hicken, RPR, RMR, Telephone number (801) 521–7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/15/2018. Redacted Transcript Deadline set for 6/25/2018. Release of Transcript Restriction set for 8/23/2018. (dla) Modified by removing restricted text on 8/23/2018 (rgj). (Entered: 05/25/2018)</p>
05/25/2018	<u>391</u>		<b>ORDER of USCA as to Claud R. Koerber granting Motion for Continued Appointment re <u>385</u> Notice of Appeal – Interlocutory</b> . The Federal Public Defender for the District of Utah is appointed as counsel of record to represent the appellant Claud R. Koerber. This appointment is effective nunc pro tunc to the date the notice of appeal was filed in this matter. (jlw) (Entered: 05/25/2018)
05/30/2018	<u>392</u>		DESIGNATION OF RECORD ON APPEAL by Claud R. Koerber re <u>385</u> Notice of Appeal – Interlocutory Designated documents 1, 73, 80, 84, 91, 99, 107, 140, 155, 376, 383, 380, 385. Designated transcripts for 5/7/18.

		(Attachments: # <u>1</u> Supplement)(Nester, Kathryn) (Entered: 05/30/2018)
05/30/2018	<u>393</u>	TRANSCRIPT REQUEST FORM by Claud R. Koerber for proceedings held on 5/7/11 before Judge Frederic Block, re <u>385</u> Notice of Appeal – Interlocutory, <u>392</u> Designation of Record on Appeal, (Nester, Kathryn) (Entered: 05/30/2018)
06/04/2018	<u>394</u>	MOTION to Suppress <i>February 2009 Interview Statements</i> filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 06/04/2018)
06/04/2018	<u>395</u>	MOTION to Suppress <i>Attorney–Client Privileged Letter</i> filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 06/04/2018)
06/04/2018	<u>396</u>	MOTION to Dismiss – <i>Double Jeopardy</i> filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 06/04/2018)
06/04/2018	<u>397</u>	MOTION to Dismiss Case on Speedy Trial Violations filed by Claud R. Koerber. (Nester, Kathryn) Modified on 7/30/2018 by removing termination date of 7/30/18 – this motion is still pending. (Entered: 06/04/2018)
06/11/2018	<u>398</u>	<p><b>**RESTRICTED DOCUMENT**</b> NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Transcript of Electronically Recorded Proceedings as to Claud R. Koerber held on November <del>October</del> 30, 2017 before Judge Paul M. Warner, re <u>385</u> Notice of Appeal – Interlocutory. Court Reporter: Ed Young, Telephone number 801–328–3202.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/2/2018. Redacted Transcript Deadline set for 7/12/2018. Release of Transcript Restriction set for 9/10/2018. (jmr) Modified on 6/12/2018–Transcript should have been dated 11/30/17. Image of transcript will be corrected. (jmr). (Additional attachment(s) added on 6/12/2018: # <u>1</u> Correct Transcript dated November 30, 2017) (jmr). (Entered: 06/11/2018)</p>
06/12/2018	400	MODIFICATION OF DOCKET as to Claud R. Koerber Error: Transcript had the incorrect date. Correction: The date has been corrected on transcript. re <u>398</u> Transcript – Appeal. (jmr) (Entered: 06/12/2018)
06/12/2018	<u>401</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Claud R. Koerber held on December 6, 2017 before Judge Paul M. Warner. Court Reporter/Transcriber Patti Walker, Telephone number 801–364–5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent</b></p>



		<p><b>to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2018. Redacted Transcript Deadline set for 7/13/2018. Release of Transcript Restriction set for 9/10/2018. (las) Modified by removing restricted text on 9/10/2018 (rgj). (Entered: 06/12/2018)</p>
06/12/2018	<u>402</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Claud R. Koerber before Judge Paul M. Warner. Court Reporter/Transcriber Patti Walker, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2018. Redacted Transcript Deadline set for 7/13/2018. Release of Transcript Restriction set for 9/10/2018. (las) Modified by removing restricted text on 9/10/2018 (rgj). (Entered: 06/12/2018)</p>
06/18/2018	404	<p><b>DOCKET TEXT ORDER as to Claud R. Koerber(No attached document): The parties are hereby ordered to inform the Court as to their agreed upon briefing schedule for the remaining briefs in response to defendant's four motions filed on 6/4/18, Docket Entries <u>394</u> <u>395</u> <u>396</u> and <u>397</u> . The government is instructed to file its response no later than 7/2/2018. Signed by Judge Frederic Block on 6/18/18.(jlw) (Entered: 06/18/2018)</b></p>
06/21/2018	<u>405</u>	<p>NOTICE of AGREED BRIEFING SCHEDULE by USA as to Claud R. Koerber re 404 Order, (Murray, Tyler) (Entered: 06/21/2018)</p>
06/21/2018	<u>406</u>	<p>NOTICE of EXPERT WITNESSES by USA as to Claud R. Koerber (Attachments: # <u>1</u> Exhibit A- Mennitt Expert Disclosure, # <u>2</u> Exhibit A1 - Rsum, # <u>3</u> Exhibit A2 - Bank Accounts, # <u>4</u> Exhibit A3 - Quickbooks Company Files, # <u>5</u> Exhibit A4 - Accounting Standards, # <u>6</u> Exhibit B - Roberts Expert Disclosure, # <u>7</u> Exhibit B1 - Rsum, # <u>8</u> Exhibit B2 - Accounts, # <u>9</u> Exhibit B3 - Transcript) (Murray, Tyler) (Entered: 06/21/2018)</p>



06/22/2018	<u>407</u>		CERTIFICATE OF COMPLIANCE <i>and request for reciprocal discovery</i> filed by USA as to Claud R. Koerber. (Murray, Tyler) (Entered: 06/22/2018)
06/25/2018	<u>408</u>		Transmitted <del>Supplemental</del> Record on Appeal as to Claud R. Koerber re <u>385</u> Notice of Appeal – Interlocutory (jwt) Modified on 6/26/2018 striking supplemental text(jwt). (Entered: 06/25/2018)
06/28/2018	<u>409</u>		MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>396</u> MOTION to Dismiss – <i>Double Jeopardy TO DEFENDANTS MOTION TO DISMISS BASED UPON FIFTH AMENDMENT DOUBLE JEOPARDY GROUNDS</i> (Attachments: # <u>1</u> Exhibit 1 – US v. Koerber.October 10 Jury Note, # <u>2</u> Exhibit 2– Jury note and Response dated 10.16.2017, # <u>3</u> Exhibit 3– Jury Note No.2 dated 10.16.2017)(Hackford–Peer, Ruth) (Entered: 06/28/2018)
06/28/2018	<u>410</u>		MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>394</u> MOTION to Suppress <i>February 2009 Interview Statements</i> (Attachments: # <u>1</u> Exhibit 1– Preclusion Transcript)(Hackford–Peer, Ruth) (Entered: 06/28/2018)
06/28/2018	<u>411</u>		MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>395</u> MOTION to Suppress <i>Attorney–Client Privileged Letter</i> (Attachments: # <u>1</u> Exhibit A – Transcript, # <u>2</u> Exhibit B – Transcript, # <u>3</u> Exhibit C – E–mail, September 21, 2007)(Murray, Tyler) (Entered: 06/28/2018)
06/28/2018	<u>412</u>		MOTION in Limine <i>TO ALLOW THE UNITED STATES TO CROSS EXAMINE MR. KOERBER ON A PRIOR JUDICIAL FINDING THAT MR. KOERBERS TESTIMONY WAS NOT CREDIBLE</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1 – CONTEMPT TRIAL ORDER)(Hackford–Peer, Ruth) (Entered: 06/28/2018)
06/28/2018	<u>413</u>		<b>MANDATE of USCA as to Claud R. Koerber re <u>385</u> Notice of Appeal – Interlocutory. According to the USCA the Appeal is Dismissed for Lack of Jurisdiction.</b> (jlw) (Entered: 06/28/2018)
06/28/2018	<u>414</u>		<p><b>**RESTRICTED DOCUMENT**</b> NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Telephonic Status Conference as to Claud R. Koerber held on 2/27/18 before Judge Frederic Block. Court Reporter/Transcriber Laura Robinson, Telephone number (801)328–4800.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/19/2018. Redacted Transcript Deadline set for 7/30/2018.</p>

		Release of Transcript Restriction set for 9/26/2018. (jlw) (Entered: 06/28/2018)
06/28/2018	<u>416</u>	MOTION in Limine <i>UNITED STATES NOTICE OF INTENT TO INTRODUCE EVIDENCE OF CONSENT DECREE ENTERED INTO WITH WYOMING DEPARTMENT OF SECURITIES INTRINSIC TO THE CRIME CHARGED OR IN THE ALTERNATIVE TO INTRODUCE THE EVIDENCE UNDER FRE 404(B)</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1 – Stipulated Order Adopting Settlement, # <u>2</u> Exhibit 2 – Creative Real Estate Lifestyles Magazine, # <u>3</u> Exhibit St. George Meeting Transcript)(Hackford–Peer, Ruth) (Entered: 06/28/2018)
06/29/2018	<u>417</u>	MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>397</u> MOTION to Dismiss Case on Speedy Trial Violations (Attachments: # <u>1</u> Exhibit 1 – Transcript of November 30, 2017, Status Conference, # <u>2</u> Exhibit 2 – Transcript of December 6, 2017, Status Conference, # <u>3</u> Exhibit 3 – Transcript of December 8, 2017, Status Conference, # <u>4</u> Exhibit 4 – Transcript of February 27, 2018, Teleconference)(Clark, Aaron) (Entered: 06/29/2018)
07/05/2018	<u>418</u>	CERTIFICATE OF COMPLIANCE and <i>Request for Reciprocal Discovery (TWENTY–FIRST) 21st</i> filed by USA as to Claud R. Koerber. (Murray, Tyler) (Entered: 07/05/2018)
07/09/2018	<u>419</u>	REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>395</u> MOTION to Suppress <i>Attorney–Client Privileged Letter</i> (Nester, Kathryn) (Entered: 07/09/2018)
07/09/2018	<u>420</u>	REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>397</u> MOTION to Dismiss Case on Speedy Trial Violations (Nester, Kathryn) (Entered: 07/09/2018)
07/09/2018	<u>421</u>	REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>394</u> MOTION to Suppress <i>February 2009 Interview Statements</i> (Nester, Kathryn) (Entered: 07/09/2018)
07/09/2018	<u>422</u>	REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>396</u> MOTION to Dismiss – <i>Double Jeopardy</i> (Nester, Kathryn) (Entered: 07/09/2018)
07/25/2018	<u>428</u>	MOTION in Limine <i>TO EXCLUDE EVIDENCE RELATING TO PREVIOUS SPEEDY TRIAL ACT VIOLATIONS</i> by USA as to Claud R. Koerber. (Hackford–Peer, Ruth) (Entered: 07/25/2018)
07/25/2018	<u>429</u>	MOTION in Limine <i>TO EXCLUDE EVIDENCE OF CONDUCT BY UTAH STATE OFFICIALS AND FAILURE OF THE STATE OF UTAH TO SUE THE DEFENDANT</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1)(Hackford–Peer, Ruth) (Entered: 07/25/2018)
07/25/2018	<u>430</u>	MOTION in Limine <i>TO EXCLUDE EVIDENCE RELATING TO DEFENDANTS POTENTIAL ADVICE OF COUNSEL OR ACCOUNTANT DEFENSE</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1 – Trial Transcript pp. 4323 – 4327, # <u>2</u> Exhibit 2 – Trial Transcript pp. 4591 – 4594)(Murray, Tyler) (Entered: 07/25/2018)
07/26/2018		Notice of Appearance. U.S. Probation and Pretrial Services hereby advises the Court that Mary Schuman should be added to this case as to Claud R. Koerber

		(mrs) (Entered: 07/26/2018)
07/27/2018	<u>431</u>	NOTICE of EXPERT WITNESS by USA as to Claud R. Koerber (Attachments: # <u>1</u> Exhibit A – Resume) (Murray, Tyler) (Entered: 07/27/2018)
07/30/2018	<u>432</u>	<b>MEMORANDUM DECISION denying <u>394</u> Motion to Suppress as to Claud R. Koerber (1); denying <u>395</u> Motion to Suppress (1); denying <u>396</u> Motion to Dismiss (1); denying <u>397</u> Motion to Dismiss for Speedy Trial. See order for further details. Signed by Judge Frederic Block on 7/30/18.(jlw)</b> (Entered: 07/30/2018)
07/30/2018	<u>433</u>	MODIFICATION OF DOCKET as to Claud R. Koerber re <u>397</u> MOTION to Dismiss Case on Speedy Trial Violations . This motion was terminated in error – it is still a pending motion and the termination date of 7/30/18 has been removed. (jlw) (Entered: 07/30/2018)
07/31/2018	<u>434</u>	Ex Parte (Not Sealed) MOTION <i>To Allow Testimony and Documents of Adoption Center of Choice</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Exhibit Trial Exhibit 102 (Adoption records), # <u>2</u> Exhibit Trial Exhibit 102(a) (Adoption records), # <u>3</u> Text of Proposed Order Proposed Order Granting Motion) Motions referred to Paul M. Warner.(Hackford–Peer, Ruth) Modified on 7/31/2018 – sealed exhibits 1 and 2 per counsel request(jwt). (Entered: 07/31/2018)
07/31/2018	<u>435</u>	NOTICE OF ATTORNEY APPEARANCE: Jessica Stengel appearing for Claud R. Koerber <i>as Co–Counsel</i> (Stengel, Jessica) (Entered: 07/31/2018)
07/31/2018	<u>436</u>	CERTIFICATE OF COMPLIANCE AND <i>REQUEST FOR RECIPROCAL DISCOVERY (TWENTY–SECOND) 22ND</i> filed by USA as to Claud R. Koerber. (Hackford–Peer, Ruth) (Entered: 07/31/2018)
07/31/2018	<u>437</u>	PROPOSED EXHIBIT LIST by USA as to Claud R. Koerber (Hackford–Peer, Ruth) (Entered: 07/31/2018)
07/31/2018	<u>438</u>	PROPOSED WITNESS LIST by USA as to Claud R. Koerber (Hackford–Peer, Ruth) (Entered: 07/31/2018)
07/31/2018	<u>439</u>	MOTION to Suppress <i>Defendant's Private Computer Records (Including all Quickbooks Files) Obtained by the Government through Warrantless Searches and Seizures</i> filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 07/31/2018)
08/02/2018	<u>443</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>439</u> MOTION to Suppress <i>Defendant's Private Computer Records (Including all Quickbooks Files) Obtained by the Government through Warrantless Searches and Seizures UNITED STATES OPPOSITION TO DEFENDANTS MOTION TO RETURN AND SUPPRESS COMPUTER RECORDS (INCLUDING QUICKBOOK FILES)</i> (Hackford–Peer, Ruth) (Entered: 08/02/2018)
08/02/2018	<u>444</u>	NOTICE of Expert Designation for Defense by Claud R. Koerber (Attachments: # <u>1</u> Exhibit A – Curriculum Vitae) (Nester, Kathryn) (Entered: 08/02/2018)
08/04/2018	<u>445</u>	RESPONSE to Motion by Claud R. Koerber re <u>428</u> MOTION in Limine <i>TO EXCLUDE EVIDENCE RELATING TO PREVIOUS SPEEDY TRIAL ACT VIOLATIONS</i> (Nester, Kathryn) (Entered: 08/04/2018)

08/04/2018	<u>446</u>		RESPONSE to Motion by Claud R. Koerber re <u>412</u> MOTION in Limine <i>TO ALLOW THE UNITED STATES TO CROSS EXAMINE MR. KOERBER ON A PRIOR JUDICIAL FINDING THAT MR. KOERBERS TESTIMONY WAS NOT CREDIBLE</i> (Nester, Kathryn) (Entered: 08/04/2018)
08/04/2018	<u>447</u>		RESPONSE to Motion by Claud R. Koerber re <u>429</u> MOTION in Limine <i>TO EXCLUDE EVIDENCE OF CONDUCT BY UTAH STATE OFFICIALS AND FAILURE OF THE STATE OF UTAH TO SUE THE DEFENDANT</i> (Nester, Kathryn) (Entered: 08/04/2018)
08/04/2018	<u>448</u>		RESPONSE to Motion by Claud R. Koerber re <u>430</u> MOTION in Limine <i>TO EXCLUDE EVIDENCE RELATING TO DEFENDANTS POTENTIAL ADVICE OF COUNSEL OR ACCOUNTANT DEFENSE</i> (Nester, Kathryn) (Entered: 08/04/2018)
08/05/2018	<u>449</u>		RESPONSE to Motion by Claud R. Koerber re <u>416</u> MOTION in Limine <i>UNITED STATES NOTICE OF INTENT TO INTRODUCE EVIDENCE OF CONSENT DECREE ENTERED INTO WITH WYOMING DEPARTMENT OF SECURITIES INTRINSIC TO THE CRIME CHARGED OR IN THE ALTERNATIVE TO INTRODUCE THE EVIDENCE UNDER FRE 404(B)</i> (Nester, Kathryn) (Entered: 08/05/2018)
08/13/2018	<u>452</u>		NOTICE of Expert by Claud R. Koerber (Attachments: # <u>1</u> Exhibit Chesley Erickson CV) (Hunt, Robert) (Entered: 08/13/2018)
08/14/2018	<u>453</u>		NOTICE of Expert Witness by Claud R. Koerber (Attachments: # <u>1</u> Exhibit A – David Moore Curriculum Vitae) (Nester, Kathryn) (Entered: 08/14/2018)
08/14/2018	<u>454</u>		NOTICE of Amended Notice of Expert Witness by Claud R. Koerber (Attachments: # <u>1</u> Exhibit A – David Moore Curriculum Vitae) (Nester, Kathryn) (Entered: 08/14/2018)
08/14/2018	<u>456</u>		Defendant's MOTION in Limine <i>to Prohibit Testimony and Evidence of Statements, Investments and Use of Funds for Companies other than Founders Capital</i> filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 08/14/2018)
08/14/2018	<u>457</u>		Defendant's MOTION in Limine <i>to Prohibit References to Facts of Witnesses' Criminal Cases Relating to Allegations</i> filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 08/14/2018)
08/14/2018	<u>458</u>		Defendant's MOTION in Limine <i>to Preclude the Use of the Terms "Ponzi" and "Ponzi Scheme"</i> filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 08/14/2018)
08/15/2018	459		<b>REQUEST FOR A JURY</b> 65–75 Jurors Needed for Voir Dire Date Jurors Needed: 9/4/2018 Time Jurors Requested in the Courtroom: 9:00 a.m. Length of Trial: 6 weeks days Criminal Charge: Wire Fraud, Securities Fraud, Money Laundering and Tax Evasion High Profile Case: YES Special Instructions: The Jury Pool has already been prequalified for a lengthy trial in the questionnaire process. The jurors reporting did not indicate on their supplemental questionnaire that they had any undue hardships serving on a

		<a href="#">six-week trial</a> . (mas) (Entered: 08/15/2018)
08/15/2018	<a href="#">460</a>	MEMORANDUM DECISION and Order Denying <a href="#">455</a> Motion for Reconsideration filed by Claud R. Koerber. Koerber's arguments, which were not made in his original brief, are meritless. IT IS SO ORDERED Signed by Judge Frederic Block on 8/15/18.(jlw) (Entered: 08/15/2018)
08/17/2018	<a href="#">461</a>	MEMORANDUM in Opposition by USA as to Claud R. Koerber re <a href="#">457</a> Defendant's MOTION in Limine to Prohibit References to Facts of Witnesses' Criminal Cases Relating to Allegations (Hackford-Peer, Ruth) (Entered: 08/17/2018)
08/17/2018	<a href="#">462</a>	MEMORANDUM in Opposition by USA as to Claud R. Koerber re <a href="#">456</a> Defendant's MOTION in Limine to Prohibit Testimony and Evidence of Statements, Investments and Use of Funds for Companies other than Founders Capital (Attachments: # <a href="#">1</a> Exhibit 1 – trial exhibit 21 (Founders Capital Promissory Notes List), # <a href="#">2</a> Exhibit 2 – trial exhibits 174a and 174b (Checks from Clarke to Founders Capital), # <a href="#">3</a> Exhibit 3 – trial exhibit 89c (Check from Carroll Investments to Founders Capital), # <a href="#">4</a> Exhibit 4 – Summary Chart)(Murray, Tyler) (Entered: 08/17/2018)
08/17/2018	<a href="#">463</a>	MEMORANDUM in Opposition by USA as to Claud R. Koerber re <a href="#">458</a> Defendant's MOTION in Limine to Preclude the Use of the Terms "Ponzi" and "Ponzi Scheme" (Hackford-Peer, Ruth) (Entered: 08/17/2018)
08/17/2018	<a href="#">464</a>	CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY (TWENTY-THIRD) 23rd filed by USA as to Claud R. Koerber. (Hackford-Peer, Ruth) (Entered: 08/17/2018)
08/20/2018	<a href="#">467</a>	PROPOSED WITNESS LIST by Claud R. Koerber (Nester, Kathryn) (Entered: 08/20/2018)
08/20/2018	<a href="#">474</a>	<a href="#">JURORS HAVE BEEN SENT A NOTICE TO APPEAR</a> by the Jury Office. Jurors to report on Tuesday, September 4, 2018 at 7:40 a.m. The jurors noticed have already been screened for lengthy trial hardships. The jurors who will be reporting did not indicate on their supplemental questionnaire that they had any undue hardships serving on a six-week trial. The jury panel will be ready to report to the courtroom at 9:00 a.m. for voir dire. (ksp) (Entered: 08/23/2018)
08/21/2018	<a href="#">468</a>	MEMORANDUM DECISION and ORDER granting in part and denying in part <a href="#">434</a> Motion To Allow Testimony and Documents of Adoption Center of Choice as to Claud R. Koerber (1). Signed by Magistrate Judge Paul M. Warner on 8/21/2018. (blh) (Entered: 08/21/2018)
08/21/2018	<a href="#">469</a>	CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY (TWENTY-FOURTH) 24th filed by USA as to Claud R. Koerber. (Hackford-Peer, Ruth) (Entered: 08/21/2018)
08/22/2018	<a href="#">470</a>	NOTICE of Expert Witness by Claud R. Koerber (Hunt, Robert) (Entered: 08/22/2018)
08/22/2018	<a href="#">471</a>	Defendant's MOTION in Limine to Exclude Video Clip of Personal Religious Beliefs filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 08/22/2018)
08/22/2018	<a href="#">472</a>	



		REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>456</u> Defendant's MOTION in Limine to <i>Prohibit Testimony and Evidence of Statements, Investments and Use of Funds for Companies other than Founders Capital</i> (Nester, Kathryn) (Entered: 08/22/2018)
08/23/2018	<u>473</u>	TRIAL BRIEF by USA as to Claud R. Koerber (Murray, Tyler) (Entered: 08/23/2018)
08/24/2018	<u>475</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>471</u> Defendant's MOTION in Limine to <i>Exclude Video Clip of Personal Religious Beliefs</i> (Clark, Aaron) (Entered: 08/24/2018)
08/24/2018	<u>476</u>	MOTION in Limine to <i>Preclude Speculative Questioning</i> filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 08/24/2018)
08/24/2018	<u>477</u>	NOTICE OF APPEAL (Interlocutory) re <u>432</u> Order on Motion to Suppress,,, Order on Motion to Dismiss,, Order on Motion to Dismiss for Speedy Trial,, Memorandum Decision, Appeals to the USCA Tenth Circuit. No Filing Fee. (Nester, Kathryn) (Entered: 08/24/2018)
08/27/2018	<u>478</u>	Transmission of Preliminary Record to USCA as to Claud R. Koerber re <u>477</u> Notice of Appeal – Interlocutory (Attachments: # <u>1</u> Preliminary Record)(jwt) (Entered: 08/27/2018)
08/27/2018	<u>479</u>	NOTICE of Filing of Second Set of Joint Stipulations by USA as to Claud R. Koerber (Hackford–Peer, Ruth) (Entered: 08/27/2018)
08/27/2018	<u>480</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>476</u> MOTION in Limine to <i>Preclude Speculative Questioning UNITED STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE SO– CALLED SPECULATIVE QUESTIONING</i> (Murray, Tyler) (Entered: 08/27/2018)
08/28/2018	<u>481</u>	USCA Case Number as to Claud R. Koerber Case Appealed to Tenth Case Number 18–4116 for <u>477</u> Notice of Appeal – Interlocutory filed by Claud R. Koerber. (jmr) (Entered: 08/28/2018)
08/28/2018	<u>482</u>	MOTION for a Frivolousness Certification by USA as to Claud R. Koerber. Motions referred to Paul M. Warner.(Tenney, Ryan) (Entered: 08/28/2018)
08/28/2018	483	<b><u>NOTICE OF HEARING ON MOTION</u></b> in case as to Claud R. Koerber re <u>482</u> MOTION for a Frivolousness Certification : (Notice generated by jwt). Motion Hearing set for 8/31/2018 at 09:00 AM in Rm 3.100 before Judge Frederic Block. (jwt) (Entered: 08/28/2018)
08/28/2018	<u>484</u>	NOTICE of Supplement to Notice of Expert Witness for the Defense, David Moore by Claud R. Koerber (Nester, Kathryn) (Entered: 08/28/2018)
08/30/2018	485	<b><u>AMENDED NOTICE OF HEARING ON MOTION</u></b> in case as to Claud R. Koerber re <u>482</u> MOTION for a Frivolousness Certification : (Notice generated by jwt) Motion Hearing reset for 8/31/2018 at 10:30 AM in Rm 3.100 before Judge Frederic Block. (jwt) (Entered: 08/30/2018)
08/30/2018	486	Motions No Longer Referred as to Claud R. Koerber: <u>482</u> MOTION for a Frivolousness Certification (jwt) (Entered: 08/30/2018)
08/30/2018	<u>487</u>	NOTICE OF ATTORNEY APPEARANCE: Scott Keith Wilson appearing for Claud R. Koerber <i>as Co–Counsel</i> (Wilson, Scott) (Entered: 08/30/2018)

08/30/2018	<u>488</u>		RESPONSE to Motion by Claud R. Koerber re <u>482</u> MOTION for a Frivolousness Certification (Wilson, Scott) (Entered: 08/30/2018)
08/30/2018	<u>489</u>		RESPONSE to Motion by USA as to Claud R. Koerber re <u>482</u> MOTION for a Frivolousness Certification (Tenney, Ryan) (Entered: 08/30/2018)
08/31/2018	490		Minute Entry for proceedings held before Judge Frederic Block: Motion Hearing as to Claud R. Koerber held on 8/31/2018 re: <u>482</u> MOTION for a Frivolousness Certification filed by USA. Court hears argument from both parties. Court grants <u>482</u> Motion for a Frivolousness Certification. Written Order to Follow. Attorney for Plaintiff: Ryan Tenney, Tyler Murray, Ruth Hackford–Peer, Aaron Clark, Attorney for Defendant: Kathy Nester, Scott Wilson, Daphne Oberg, Rob Hunt, Jessica Stengel, FPD. Court Reporter: Laura Robinson.(Time Start: 10:42:47 AM, Time End: 11:13:49 AM, Room 3.100.) (mas) Modified by correcting ruling text on 8/31/2018 (mas). (Entered: 08/31/2018)
08/31/2018	<u>491</u>		<b>MEMORANDUM DECISION AND ORDER:</b> On August 24, 2018, Koerber brought an interlocutory appeal of the courts order denying his double jeopardy motion and motion to reconsider. Pursuant to <i>Abney v. United States</i> , 431 U.S. 651 (1977), holdings on double jeopardy is appealable before trial under the collateral order exception. 431 U.S. at 660. The court held a hearing on the morning of August 31, 2018. As an initial matter, the court notes that Koerber has a long history of using procedural mechanisms to delay trial. As the government points out, this is his fifth interlocutory appeal, and he attempted to pull the same stunt on the eve of his first trial. Koerbers double jeopardy motion and motion for reconsideration were utterly frivolous. Because Koerber's double jeopardy arguments are frivolous, the court retains jurisdiction over his retrial. The trial will commence as scheduled on September 4, 2018. <b>IT IS SO ORDERED.</b> Signed by Judge Frederic Block on 8/31/18.(jlw) (Entered: 08/31/2018)
08/31/2018			<b>Set Hearings</b> as to Claud R. Koerber: Jury Trial dates set for September 5–7, 2018 in Rm 3.100 before Judge Frederic Block. (Entered to show trial on the court's calendar)(rks) (Entered: 08/31/2018)
09/03/2018	<u>492</u>		NOTICE of Supplement to Notice of Expert Witness for the Defense, Chesley Erickson by Claud R. Koerber re <u>452</u> Notice (Other) (Hunt, Robert) (Entered: 09/03/2018)
09/04/2018	<u>493</u>		NOTICE of Third Set of Joint Stipulations by USA as to Claud R. Koerber (Hackford–Peer, Ruth) (Entered: 09/04/2018)
09/04/2018			<b>Set Hearings</b> as to Claud R. Koerber: Jury Trial set for 9/4/2018 at 09:00 AM in Rm 3.100 before Judge Frederic Block. (Docketed to get it on the Kiosk) (rks) (Entered: 09/04/2018)
09/04/2018	<u>494</u>		Supplemental CERTIFICATE OF COMPLIANCE <i>and Request for Reciprocal Discovery</i> filed by USA as to Claud R. Koerber. (Clark, Aaron) (Entered: 09/04/2018)
09/04/2018	<u>495</u>		<b>MANDATE</b> of USCA as to Claud R. Koerber re <u>477</u> Notice of Appeal – Interlocutory. According to the USCA, the United States' request to expedite our decision and Mr.I Koerber's request to stay district court proceedings are

		<b>denied as moot. APPEAL DISMISSED.</b> (jlw) (Entered: 09/04/2018)
09/04/2018	496	Minute Entry for proceedings held before Judge Frederic Block: Voir Dire held on 9/4/2018 as to Claud R. Koerber. 72 prospective jurors are seated in the courtroom. The jury panel is sworn, answers are given to questions posed by the Court and counsel. A jury of 16 members is selected. Jurors not chosen are thanked and excused from the Court. The panel of 16 jurors are sworn in and preliminarily instructed. The jury is excused for the day at 4:10 PM to return again Wednesday, 9/5/2017 for Court to begin at 9:00 a.m. The jury is instructed to not discuss this case with anyone nor do any research regarding this matter. Outside the presence of the jury, the Court hears argument about pending motions. Court decisions and agreements were made on the record. Court adjourns. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford-Peer, Attorney for Defendant: Scott Wilson, Kathy Nester, Daphne Oberg, Rob Hunt, FPD. Court Reporter: Laura Robinson.(Time Start: 8:58:32 AM, Time End: 4:35:06 PM, Room 3.100.) (mas) (Entered: 09/04/2018)
09/04/2018	<u>497</u>	<b>MEMORANDUM DECISION AND ORDER denying <u>397</u> Motion to Dismiss for Speedy Trial as to Claud R. Koerber (1); as to Claud R. Koerber. Signed by Judge Frederic Block on 9/4/2018.(mas)</b> (Entered: 09/04/2018)
09/04/2018	<u>498</u>	MEMORANDUM in Support by Claud R. Koerber re <u>439</u> MOTION to Suppress <i>Defendant's Private Computer Records (Including all Quickbooks Files) Obtained by the Government through Warrantless Searches and Seizures</i> (Nester, Kathryn) (Entered: 09/04/2018)
09/05/2018	499	Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/5/2018. Court resumes at 9:00 AM. Jury instructions are given to the jury. Opening statements are heard from both parties. Plaintiff begins their case in chief. Witnesses Lori Chapman and Michael Isom are called. Testimony heard, evidence entered. The jury is excused at 4:40 PM to return Thursday, 9/6/2018 at 9:00 AM. The jury is reminded to not discuss this case with anyone nor do any research regarding this matter. Out of the presence of the jury, the court holds a conference with counsel. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford-Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Ed Young, Becky Janke, Kelly Hicken, Patty Walker.(Time Start: 9:04:48 AM, Time End: 4:50:41 PM, Room 3.100.) (mas) (Entered: 09/05/2018)
09/05/2018	<u>500</u>	CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY (TWENTY-SIXTH) 26th filed by USA as to Claud R. Koerber. (Murray, Tyler) (Entered: 09/05/2018)
09/06/2018		<b>Set/Reset Hearings</b> as to Claud R. Koerber: Jury Trial set for September 10–14, 2018 at 09:00 AM in Rm 3.100 before Judge Frederic Block. (mas) (Entered: 09/06/2018)
09/06/2018	501	Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/6/2018. Court resumes at 9:00 AM. Examination of witness Michael Isom is continued. Witnesses Forrest Allen and Craig Carrol are called. Testimony heard, evidence entered. The jury is excused at 4:46 PM to return Friday, 9/7/2018 at 9:00 AM. The jury is again reminded to not discuss the case nor do any research. Out of the presence of

		the jury, the court holds a conference with counsel. Court adjourns at 4:56 PM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Ed Young, Kelly Hicken, Laura Robinson.(Time Start: 9:08:32 AM, Time End: 4:56:51 PM, Room 3.100.) (mas) (Entered: 09/06/2018)
09/06/2018	<u>502</u>	MOTION to Strike <i>Juror 5, or, in the Alternative, to Question Juror 5</i> by USA as to Claud R. Koerber. (Clark, Aaron) (Entered: 09/06/2018)
09/07/2018	<u>503</u>	NOTICE OF FILING of Fourth Set of Joint Stipulations filed by USA as to Claud R. Koerber (Clark, Aaron) (Entered: 09/07/2018)
09/07/2018	<u>504</u>	<b>MEMORANDUM AND ORDER denying <u>439</u> Motion to Suppress as to Claud R. Koerber (1); as to Claud R. Koerber. The Court denies the motion based on the inevitable discovery doctrine. Signed by Judge Frederic Block on 9/7/2018.(mas)</b> (Entered: 09/07/2018)
09/07/2018	505	Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/7/2018. Court resumes at 9:00 AM. Witnesses Jerel Clark, Matson Magleby, Don Hansen, Teresa Tuttle Ringger, Jeff Goodsell and Austin Westmoreland are called. Testimony heard, evidence entered. The jury is excused at 3:35 PM to return Monday, 9/10/2018 at 9:00 AM. The jury is again reminded to not discuss the case nor do any research. Out of the presence of the jury, the court holds a conference with counsel. Court adjourns at 3:40 PM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Kelly Hicken, Patti Walker.(Time Start: 9:06:00 AM, Time End: 3:40:51 PM, Room 3.100.) (mas) (Entered: 09/07/2018)
09/07/2018	506	<b>DOCKET TEXT ORDER denying <u>502</u> Motion to Strike Juror #5 as to Claud R. Koerber (1) as was ruled upon in open court . By Judge Frederic Block on 9/7/2018. No attached document. (mas)</b> Modified on 9/10/2018 (mas). (Entered: 09/10/2018)
09/10/2018		Terminate Transcript Deadlines as to Claud R. Koerber (rks) (Entered: 09/10/2018)
09/10/2018	507	Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/10/2018. Court resumes at 9:00 AM. Witnesses Dean Hamilton, Garth Allred, Frank Breitenstein, Dale Clarke, Steven Osborne, and Jeff Neilsen are called. Testimony heard, evidence entered. The jury is excused at 3:40 PM to return Tuesday, 9/11/2018 at 9:00 AM. The jury is again reminded to not discuss the case nor do any research. Out of the presence of the jury, the court holds a conference with counsel. Court adjourns at 3:52 PM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Kelly Hicken, Patti Walker.(Time Start: 9:03:20 AM, Time End: 3:52:36 AM, Room 3.100.) (mas) (Entered: 09/10/2018)
09/11/2018	<u>508</u>	MOTION for Declaration of Mistrial filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H)(Nester, Kathryn) (Entered: 09/11/2018)

09/11/2018	509		Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/11/2018. Court resumes at 9:00 AM. The Government read joint stipulations before witnesses were called. Witnesses Clark Wilkinson, Peter Hansen, Steven Roberts and Angela Mennitt are called. Testimony heard, evidence entered. The jury is excused at 4:35 PM to return Wednesday, 9/12/2018 at 9:00 AM. The jury is again reminded to not discuss the case nor do any research. Out of the presence of the jury, the court holds a conference with counsel. The Court verbally DENIES without prejudice <u>508</u> Motion for Mistrial in open court for reasons placed on the record. Court adjourns at 4:41 PM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Ed Young, Patti Walker, Becky Janke.(Time Start: 9:07:56 AM, Time End: 4:41:21 PM, Room 3.100.) (mas) (Entered: 09/11/2018)
09/12/2018	510		Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/12/2018. Court resumes at 9:00 AM. Examination of witness Angela Mennitt is continued. Witness Cameron Saxey is called. Testimony heard, evidence entered. The government rests their case in chief. Defendant calls witness David Moore. Testimony heard, evidence entered. The jury is excused at 3:50 to return Thursday,9/13/2018 at 9:00 AM. The jury is again reminded to not discuss the case nor do any research. Out of the presence of the jury, the court holds a conference with counsel. Court adjourns at 4:00 PM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Patti Walker, Laura Robinson, Kelly Hicken, Becky Janke.(Time Start: 9:02:33 AM, Time End: 4:00:24 PM, Room 3.100.) (mas) (Entered: 09/12/2018)
09/13/2018	513		Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/13/2018. Court resumes at 9:00 AM. Witnesses Sonny Jensen, Mary Colovich, Alisha Woolsey, Clavell Anderson, and Clyne Long are called. Testimony heard, evidence entered. The jury is excused at 3:40 PM to return Friday, 9/14/2018 at 9:00 AM. The jury is again reminded to not discuss the case nor do any research. Out of the presence of the jury, the court holds a conference with counsel as detailed on the record. Court adjourns at 4:15 PM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Ed Young, Laura Robinson.(Time Start: 9:03:35 AM, Time End: 4:14:46 PM, Room 3.100.) (mas) (Entered: 09/13/2018)
09/14/2018			<b><u>Set/Reset Hearings</u></b> as to Claud R. Koerber: Jury Trial set for September 17–21, 2018 at 09:00 AM in Rm 3.100 before Judge Frederic Block. (mas) (Entered: 09/14/2018)
09/14/2018	516		Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/14/2018. Court resumes at 9:00 AM. Witness Cameron Saxey was recalled briefly and witnesses Max Wheeler, Kenny Snarr, Richard Dutcher, Russell Skousen, and David Hardman are called. Testimony heard, evidence entered. The jury is excused at 4:15 PM to return Monday, 9/17/2018 at 9:00 AM. The jury is again reminded to not discuss the case nor do any research. Out of the presence of the jury, the court holds a



		conference with counsel as detailed on the record. Court adjourns at 4:31 PM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Ed Young, Laura Robinson.(Time Start: 9:07:02 AM, Time End: 4:31:10 PM, Room 3.100.) (mas) (Entered: 09/14/2018)
09/17/2018	517	Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/17/2018. Court resumes at 9:00 AM. Defendant calls witnesses Chesley Erickson and Jeff Thompson. Defense rests is case in chief at 9:50 AM. Jurors are excused until 1:00 PM. Outside the presence of the jury, jury instructions are discussed and finalized. When Court resumes, the Court gives jurors preliminary jury instructions. Closing arguments are heard from the Government. Jurors are excused at 4:10 PM, to return Tuesday, 9/18/2018 at 9:00 AM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Patti Walker, Kelly Hicken.(Time Start: 9:04:42 AM, Time End: 4:15:35 PM, Room 3.100.) (mas) Modified by adding text about preliminary jury instructions on 9/18/2018 (mas). (Entered: 09/17/2018)
09/18/2018	518	Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/18/2018. Court resumes at 9:10 AM with defense closing arguments. After the lunch break, Government gives rebuttal closing. The Court gives the jurors final jury instructions. The Court security officer is sworn and the jury is excused to begin their deliberations at 3:08 PM. The jurors are brought back into the courtroom at 4:00 PM to be excused for the day. The jury is again reminded to not discuss the case nor do any research. Jurors will continue deliberations tomorrow, Wednesday, 9/19/2018 at 9:00 AM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Ed Young, Patti Walker.(Time Start: 9:10:23 AM, Time End: 4:07:07 PM, Room 3.100.) (mas) (Entered: 09/18/2018)
09/19/2018	519	Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/19/2018. The jurors resume deliberations at 9:00 AM and finish for the day at 4:15 PM to return on Thursday, 9/20/2018 at 9:00 AM. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Patti Walker. (mas) (Entered: 09/19/2018)
09/20/2018	520	Minute Entry for proceedings held before Judge Frederic Block: Minute Entry for proceedings held before Judge Frederic Block: Jury Trial as to Claud R. Koerber held on 9/20/2018. The jury resumes their deliberations at 9:00 AM. At 3:05 PM a note is received stating the jury had reached a verdict. The jury is brought into the courtroom at 3:35 PM and the verdict is read. The defendant was found Guilty on Counts 1–13 and 15–16 and found Not Guilty on Counts 17–18. Count 14 was previously dismissed. The jury is polled and the Court finds the verdict is unanimous. The jury is thanked for their service and excused at 3:45 PM. The Government does not seek detention. The defendant will remain on release. The Defendant is to check in with Pretrial

		Services and abide by standard conditions of release. Sentencing set for 1/22/2019 at 10:30 AM in Rm 3.100 before Judge Frederic Block. Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathy Nester, Rob Hunt, Daphne Oberg, Jessica Stengel, FPD. Court Reporter: Patti Walker. (mas) (Entered: 09/20/2018)
09/20/2018	<u>521</u>	<b>**SEALED DOCUMENT**</b> Jury Panel Record as to Claud R. Koerber. (mas) (Entered: 09/21/2018)
09/20/2018	<u>523</u>	Witness and Exhibit List as to Claud R. Koerber. (mas) Modified by correcting date filed on 9/21/2018 (mas). (Entered: 09/21/2018)
09/20/2018	<u>524</u>	Proposed Jury Instructions as to Claud R. Koerber. (mas) Modified text on 9/26/2018 (mas). (Entered: 09/21/2018)
09/20/2018	<u>525</u>	Final Voir Dire as to Claud R. Koerber. (mas) (Entered: 09/21/2018)
09/20/2018	<u>526</u>	Court Exhibit #2– Objections to Proposed Jury Instructions as to Claud R. Koerber. (mas) (Additional attachment(s) added on 9/26/2018: # <u>1</u> Defendant's Redlined Objections) (mas). (Entered: 09/21/2018)
09/20/2018	<u>527</u>	Court Exhibit #3– Email from Counsel as to Proposed Jury Instructions as to Claud R. Koerber. (mas) (Additional attachment(s) added on 9/26/2018: # <u>1</u> Limiting Instruction, # <u>2</u> Jury Instruction 14, # <u>3</u> Amended Jury Instruction 4, # <u>4</u> Proposed Good Faith Instruction, # <u>5</u> Proposed Taxable Income Instruction, # <u>6</u> Proposed Verdict Form, # <u>7</u> Redacted Indictment) (mas). (Entered: 09/21/2018)
09/20/2018	<u>528</u>	Court Exhibit #5– INDICTMENT as to Claud R. Koerber. (mas) Modified text on 9/21/2018 (mas). (Entered: 09/21/2018)
09/20/2018	<u>529</u>	Final Jury Instructions as to Claud R. Koerber. (mas) (Entered: 09/21/2018)
09/20/2018	<u>530</u>	JURY VERDICT as to Claud R. Koerber (1) Guilty on Counts 1–4, 5–13, 15–16 and Not Guilty on Counts 17–18. Count 14 was previously dismissed. (mas) (Entered: 09/21/2018)
09/20/2018	<u>531</u>	<b>**SEALED DOCUMENT**</b> Jury Notes as to Claud R. Koerber. (mas) (Entered: 09/21/2018)
09/21/2018	532	<b>DOCKET TEXT ORDER</b> as to Claud R. Koerber: The evidence at the time the defendant made his motion for judgment of acquittal was sufficient to sustain convictions on all counts. Accordingly, the motion is denied. See Fed. R. Crim. P. 29(b). No attached document. By Judge Frederic Block on 9/21/2018.(mas) (Entered: 09/21/2018)
09/21/2018		Notice of Appearance. U.S. Probation and Pretrial Services hereby advises the Court that Charles Brock should be added to this case as to Claud R. Koerber (cdb) (Entered: 09/21/2018)
09/21/2018	<u>533</u>	<b>ORDER Setting Conditions of Release</b> as to Claud R. Koerber. NOTE: Any future review of detention will remain with the magistrate judge who entered the first detention order, even if an order of referral to a different magistrate judge is entered on this defendant's case. Signed by Magistrate Judge Paul M. Warner on 9/21/2018.(mas) (Entered: 09/21/2018)
09/25/2018	<u>534</u>	

		RECEIPT for Return of Exhibits as to Claud R. Koerber re: Trial Exhibits. Withdrawal of 26– Creative Real Estate Lifestyles Magazine, Fall 2005; 32– Creative Real Estate Lifestyles Magazine, Spring 2007; 109– Silver Coin. (mas) (Entered: 09/25/2018)
10/11/2018	<u>535</u>	Defendant's MOTION to Amend/Correct <i>The Record</i> filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1 Courts Email, # <u>2</u> Exhibit 1a Courts Proposed Instructions, # <u>3</u> Exhibit 2 Defense Counsel Response, # <u>4</u> Exhibit 2a Counsels Objections, # <u>5</u> Exhibit 2b Instructions Submitted w Changes and Objections in Pink, # <u>6</u> Exhibit 3 Defense Counsel Responsive Email, # <u>7</u> Exhibit 3a Proposed Limiting Instruction, # <u>8</u> Exhibit 3b Amended Presumption of Innocent Instruction, # <u>9</u> Exhibit 3c Amended Law Enforcement Witness Testimony Instruction, # <u>10</u> Exhibit 3d Proposed Good Faith Instruction, # <u>11</u> Exhibit 3e Proposed Taxable Income Instructions, # <u>12</u> Exhibit 3f Proposed Verdict Form, # <u>13</u> Exhibit 3g Redacted Indictment, # <u>14</u> Exhibit 4 Defense Email Sent Sept. 25, 2018 at 7:43 p.m., # <u>15</u> Exhibit 5 Defense Email Sent Sept. 25, 2018 at 7:49 p.m., # <u>16</u> Exhibit 6 Defense Email Sent Sept. 25, 2018 at 7:51 p.m.)(Oberg, Daphne) (Entered: 10/11/2018)
10/19/2018	536	<b>DOCKET TEXT ORDER as to Claud R. Koerber re <u>535</u> Defendant's MOTION to Amend/Correct The Record. Government shall respond to <u>535</u> Defendant's MOTION to Amend/Correct The Record on or before Wednesday, 10/24/2018. No attached document. Signed by Judge Frederic Block on 10/19/2018.(mas)</b> (Entered: 10/19/2018)
10/23/2018	<u>537</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>535</u> Defendant's MOTION to Amend/Correct <i>The Record</i> (Hackford–Peer, Ruth) (Entered: 10/23/2018)
10/25/2018	538	<b>DOCKET TEXT ORDER dismissing as moot <u>535</u> Motion to Amend/Correct the Record as to Claud R. Koerber (1). The listed exhibits have already been docketed. See <u>524</u> , <u>526</u> , <u>527</u> , <u>529</u> , and <u>530</u> and attachments. The Court acknowledges that the proposed jury instructions in <u>524</u> were the Court's proposed instructions and not the Defendant's. Signed by Judge Frederic Block on 10/25/2018. No attached document. (mas)</b> (Entered: 10/25/2018)
10/26/2018	<u>539</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on 9/11/18 before Judge Frederic Block. Court Reporter/Transcriber Patti Walker, Telephone number 801–364–5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction</p>

		Request due 11/16/2018. Redacted Transcript Deadline set for 11/26/2018. Release of Transcript Restriction set for 1/24/2019. (jlw) Modified by removing restricted text on 1/25/2019 (rgj). (Entered: 10/26/2018)
10/26/2018	<u>540</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on 9/12/18 before Judge Frederic Block. Court Reporter/Transcriber Patti Walker, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/16/2018. Redacted Transcript Deadline set for 11/26/2018. Release of Transcript Restriction set for 1/24/2019. (jlw) Modified by removing restricted text on 1/25/2019 (rgj). (Entered: 10/26/2018)</p>
11/07/2018	542	<b><u>NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated per Judge Block): Sentencing reset for 3/8/2019 at 02:00 PM in Rm 3.100 before Judge Frederic Block. (mas) (Entered: 11/07/2018)
11/07/2018		<b><u>Set/Reset Deadlines</u></b> as to Claud R. Koerber: Presentence Report due by 2/1/2019. (mas) (Entered: 11/07/2018)
11/28/2018	<u>543</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on 10/16/17 before Judge Robert Shelby. Court Reporter/Transcriber Kelly Hicken, Telephone number (801)521-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/19/2018. Redacted Transcript Deadline set for 12/31/2018. Release of Transcript Restriction set for 2/26/2019. (jlw) Modified by removing restricted text on 2/26/2019 (rgj). (Entered: 11/28/2018)</p>

01/09/2019			Notice of Appearance. U.S. Probation and Pretrial Services hereby advises the Court that Annie Carr should be added to this case as to Claud R. Koerber (adc) (Entered: 01/09/2019)
01/09/2019			Notice of Withdrawal. U.S. Probation and Pretrial Services hereby advises the Court that Charles Brock should be terminated from this case as to Claud R. Koerber (cdb) (Entered: 01/09/2019)
01/14/2019	<u>544</u>		Defendant's MOTION to Continue <i>Sentencing Hearing</i> filed by Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Paul M. Warner.(Hunt, Robert) (Entered: 01/14/2019)
01/16/2019	545		<b>DOCKET TEXT ORDER TO CONTINUE SENTENCING</b> as to Claud R. Koerber. Defendant's Motion to Continue <i>Sentencing Hearing</i> is GRANTED. The sentencing date of 3/8/2019 is adjourned to 5/10/2019 at 02:00 PM in Rm 3.100 before Judge Frederic Block. The defendant is directed to provide copies of his financial disclosures to US Probation Officer Mary Shuman by no later than February 28, 2019. No document attached. Signed by Judge Frederic Block on 1/16/2019.(mas) (Entered: 01/16/2019)
02/01/2019	<u>546</u>		<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on 9/5/18 before Judge Frederic Block. Court Reporter/Transcriber Kelly Brown, Telephone number (801)521-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/22/2019. Redacted Transcript Deadline set for 3/4/2019. Release of Transcript Restriction set for 5/2/2019. (jlw) Modified by removing restricted text on 5/2/2019 (rgj). (Entered: 02/01/2019)</p>
02/01/2019	<u>547</u>		<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on 9/6/18 before Judge Frederic Block. Court Reporter/Transcriber Ed Young, Telephone number (801)328-3202.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set</b></p>



		<p><b>forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/22/2019. Redacted Transcript Deadline set for 3/4/2019. Release of Transcript Restriction set for 5/2/2019. (jlw) Modified by removing restricted text on 5/2/2019 (rgj). (Entered: 02/01/2019)</p>
02/01/2019	<u>548</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on 9/12/18 before Judge Frederic Block. Court Reporter/Transcriber Kelly Hicken, Telephone number (801)521-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/22/2019. Redacted Transcript Deadline set for 3/4/2019. Release of Transcript Restriction set for 5/2/2019. (jlw) Modified by removing restricted text on 5/2/2019 (rgj). (Entered: 02/01/2019)</p>
02/01/2019	<u>549</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on 10/16/17 before Judge David Nuffer. Court Reporter/Transcriber Kelly Hicken, Telephone number (801)521-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/22/2019. Redacted Transcript Deadline set for 3/4/2019. Release of Transcript Restriction set for 5/2/2019. (jlw) Modified by removing restricted text on 5/2/2019 (rgj). (Entered: 02/01/2019)</p>
02/03/2019	<u>550</u>	<p>Plaintiff's MOTION to Continue <i>AND RESCHEDULE SENTENCING</i> by USA as to Claud R. Koerber. Motions referred to Paul M. Warner.(Murray, Tyler)</p>

		(Entered: 02/03/2019)
02/04/2019	551	<b>DOCKET TEXT ORDER denying <u>550</u> Motion to Continue Sentencing as to Claud R. Koerber (1), due to the Court's trial calendar. The sentencing date will remain as scheduled. Signed by Judge Frederic Block on 2/4/2019. No attached document. (mas) (Entered: 02/04/2019)</b>
02/19/2019	552	<b>DOCKET TEXT ORDER as to Claud R. Koerber. Sentencing reset for 5/13/2019 at 02:00 PM in Rm 3.100 before Judge Frederic Block. (Previously scheduled for 5/10/2019.) No attached document. Signed by Judge Frederic Block on 2/19/2019.(mas) (Entered: 02/19/2019)</b>
02/25/2019	<u>553</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on September 5, 2018(Pages 81 through 127) before Judge Judge Block. Court Reporter/Transcriber Patti Walker, CSR, RPR, CP, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/18/2019. Redacted Transcript Deadline set for 3/28/2019. Release of Transcript Restriction set for 5/28/2019. (jmr) Modified by removing restricted text on 5/28/2019 (rgj). (Entered: 02/25/2019)</p>
02/28/2019	<u>554</u>	NOTICE of Compliance Regarding Submission of Financial Disclosures by Claud R. Koerber re 545 Order to Continue – Ends of Justice,, Set Hearings,, Terminate Motions, (Stengel, Jessica) (Entered: 02/28/2019)
03/06/2019	<u>555</u>	<b>CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY (TWENTY-SEVENTH) 27TH</b> filed by USA as to Claud R. Koerber. (Murray, Tyler) (Entered: 03/06/2019)
04/24/2019	<u>559</u>	Plaintiff's SENTENCING MEMORANDUM by USA as to Claud R. Koerber (Attachments: # <u>1</u> Exhibit Trial Ex. 32, Magazine, # <u>2</u> Exhibit Isom Interview Report, # <u>3</u> Exhibit Sessions Interview Report, # <u>4</u> Exhibit St George Mtg Transcript, # <u>5</u> Exhibit Christensen Interview Report, # <u>6</u> Exhibit Speth Interview Report, # <u>7</u> Exhibit List of Koerber Publications, # <u>8</u> Exhibit Trial Ex. 1 Seminar Ad, # <u>9</u> Exhibit Trial Ex 26 Magazine Ads, # <u>10</u> Exhibit Trial Ex.35 Seminar Ad, # <u>11</u> Exhibit Trial Ex. 36 Seminar Ad, # <u>12</u> Exhibit Trial Ex 89 Seminar Ad, # <u>13</u> Exhibit Trial Ex 61 Strategy Document, # <u>14</u> Exhibit RK St George Mtg Transcrip 32, # <u>15</u> Exhibit Trial Ex 29 Magazine Excerpt, # <u>16</u> Exhibit Poyfair Interview Report, # <u>17</u> Exhibit Primer TOC, # <u>18</u> Exhibit Anderson Interview Report, # <u>19</u> Exhibit FB vis_redacted, # <u>20</u> Exhibit JS vis_redacted, # <u>21</u> Exhibit rk email re Dutcher, # <u>22</u> Exhibit 2017 Trial Tr p

		1806, # <u>23</u> Exhibit 2017 Trial Tr p 1425–26, # <u>24</u> Exhibit Trial Ex 142 Financial Summaries, # <u>25</u> Exhibit Trial Ex 93 email re June 18 2007, # <u>26</u> Exhibit Trial Ex 105 Draft Compilation, # <u>27</u> Exhibit DJ and SJ vis _redacted, # <u>28</u> Exhibit cp vis _redacted, # <u>29</u> Exhibit Def Ex 516 excerpt re Wyoming, # <u>30</u> Exhibit Fish contempt, # <u>31</u> Exhibit Extract From Oregon Show Cause Order, # <u>32</u> Exhibit SkousenLaw, PLLC – Contact Us, # <u>33</u> Exhibit Koerber LLC Investigative Report, # <u>34</u> Exhibit Egan Interview Report, # <u>35</u> Exhibit Elwood Interview Report, # <u>36</u> Exhibit rk email re Howard, # <u>37</u> Exhibit Anderson Interview Report 2, # <u>38</u> Exhibit 2017 Trial Tr p1959–1963, # <u>39</u> Exhibit ks vis _redacted, # <u>40</u> Exhibit Allred Interview Report)(Murray, Tyler) (Entered: 04/24/2019)
04/25/2019	<u>560</u>	MOTION for an Evidentiary Hearing Prior to Sentencing filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Nester, Kathryn) (Entered: 04/25/2019)
04/29/2019	<u>561</u>	MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>560</u> MOTION for an Evidentiary Hearing Prior to Sentencing (Hackford–Peer, Ruth) (Entered: 04/29/2019)
05/01/2019	563	<b>ORDER REFERRING MOTION as to Claud R. Koerber <u>560</u> MOTION for an Evidentiary Hearing Prior to Sentencing filed by Claud R. Koerber. Referred to Magistrate Judge Paul M. Warner. Motions referred to Magistrate Judge Paul M. Warner. Signed by Judge Frederic Block on 5/1/2019.(mas)</b> (Entered: 05/01/2019)
05/01/2019	564	<b><u>NOTICE VACATING Sentencing HEARING</u></b> as to Claud R. Koerber set for May 13, 2019 at 2:00 P.M. before Judge Frederic Block (Notice generated by PMW chambers) (ksm) (Entered: 05/01/2019)
05/01/2019	565	<b><u>NOTICE OF HEARING</u></b> as to Claud R. Koerber (Notice generated by PMW chambers) Status Conference set for 5/13/2019 at 02:00 PM in Rm 3.100 before Magistrate Judge Paul M. Warner. (ksm) (Entered: 05/01/2019)
05/09/2019	<u>566</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Claud R. Koerber ( <i>SUPPLEMENTAL</i> ) (Nester, Kathryn) (Entered: 05/09/2019)
05/13/2019	567	Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Status Conference as to Claud R. Koerber held on 5/13/2019. Defendant present with counsel not in custody. The court hears from counsel.The court GRANTS <u>560</u> Motion for an Evidentiary Hearing Prior to Sentencing. Road map due to the court and to the govt by Monday, June 3. ( Evidentiary Hearing set for 6/17/2019 at 09:00 AM in Rm 1.100 (Clerk's Office) before Magistrate Judge Paul M. Warner) Attorney for Plaintiff: Tyler Murray, Attorney for Defendant: Kathy Nester, FPD. Interpreter: Not Needed. Probation Officer: Annie Carr. Court Reporter: lectronic/Karen Murakami.(Time Start: 2:03:42 pm, Time End: 2:41:08 pm, Room 3.100.) (ksm) (Entered: 05/13/2019)
05/13/2019	568	<b>DOCKET TEXT ORDER granting <u>560</u> Motion for an Evidentiary Hearing Prior to Sentencing as to Claud R. Koerber (1) Signed by Magistrate Judge Paul M. Warner on 5/13/19. No attached document. (ksm)</b> (Entered: 05/13/2019)
05/14/2019	<u>569</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume I as to Claud R. Koerber held on 9/5/2018 before Judge Frederick Block. Court

		<p>Reporter/Transcriber Patti Walker, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 72-109, # <u>2</u> pages 110-169, # <u>3</u> pages 170-226)(mas) Modified by correcting court reporter and date on 5/14/2019 (mas). Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>570</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial as to Claud R. Koerber held on 9/6/2018 before Judge Frederick Block. Court Reporter/Transcriber Ed Young, Telephone number 801-328-3202.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 285-346, # <u>2</u> pages 347-531)(mas) Modified by correcting date on 5/14/2019 (mas). Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>571</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume 3 as to Claud R. Koerber held on 9/7/2018 before Judge Frederick Block. Court Reporter/Transcriber Kelly Hicken, Telephone number 801-521-7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional</b></p>

		<p><b>information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> Pages 667–756)(mas) Modified by correcting date on 5/14/2019 (mas). Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>572</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume 4 as to Claud R. Koerber held on 9/10/2018 before Judge Frederick Block. Court Reporter/Transcriber Kelly Hicken, Telephone number 801–521–7238.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 873–962)(mas) Modified by correcting date on 5/14/2019 (mas). Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>573</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume 5 as to Claud R. Koerber held on 9/11/2018 before Judge Frederick Block. Court Reporter/Transcriber Ed Young, Telephone number 801–328–3202.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript</p>



		<p>Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 1092–1167, # <u>2</u> pages 1168–1217)(mas) Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>574</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume 6 as to Claud R. Koerber held on 9/12/2018 before Judge Frederick Block. Court Reporter/Transcriber Patti Walker, Telephone number 801–364–5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 1287–1351, # <u>2</u> pages 1352–1411, # <u>3</u> pages 1412–1467)(mas) Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>575</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume 7 as to Claud R. Koerber held on 9/13/2018 before Judge Frederick Block. Court Reporter/Transcriber Ed Young, Telephone number 801–328–3202.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 1593–1727)(mas) Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>576</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume 8 as to Claud R. Koerber held on 9/14/2018 before Judge Frederick Block. Court Reporter/Transcriber Ed Young, Telephone number 801–328–3202.</p>

		<p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 1850–1998)(mas) Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>577</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume 9 as to Claud R. Koerber held on 9/17/2018 before Judge Frederick Block. Court Reporter/Transcriber Patti Walker, Telephone number 801–364–5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 2078–2171)(mas) Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/14/2019	<u>578</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Volume 10 as to Claud R. Koerber held on 9/18/2018 before Judge Frederick Block. Court Reporter/Transcriber Ed Young, Telephone number 801–328–3202.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set</b></p>

		<p><b>forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/4/2019. Redacted Transcript Deadline set for 6/14/2019. Release of Transcript Restriction set for 8/12/2019. (Attachments: # <u>1</u> pages 2272–2319)(mas) Modified by removing restricted text on 8/12/2019 (rgj). (Entered: 05/14/2019)</p>
05/23/2019	582	<p><b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by PMW chambers) Pretrial Release Violation Hearing set for 5/31/2019 at 10:00 AM in Rm 8.400 before Magistrate Judge Paul M. Warner. **The USMS have been notified that the defendant will self surrender to their office within 15 minutes of his scheduled hearing*** (ksm) (Entered: 05/23/2019)</p>
05/29/2019	<u>584</u>	<p>Plaintiff's RESPONSE re 582 Notice of Hearing, <i>UNITED STATES EVIDENTIARY SUBMISSION TO SUPPORT PRETRIAL RELEASE VIOLATION</i> filed by USA as to Claud R. Koerber (Attachments: # <u>1</u> Exhibit Tubbin Declaration, # <u>2</u> Exhibit Peterkin Declaration, # <u>3</u> Exhibit OSBR Application, # <u>4</u> Exhibit OSBR Test Registration, # <u>5</u> Exhibit Articles of Organization, # <u>6</u> Exhibit Neff Declaration)(Hackford–Peer, Ruth) (Entered: 05/29/2019)</p>
05/30/2019	<u>589</u>	<p>MOTION to Seal Document /<i>Exhibit 3 of ECF No. 584</i> by USA as to Claud R. Koerber. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Paul M. Warner.(Hackford–Peer, Ruth) (Entered: 05/30/2019)</p>
05/30/2019	<u>590</u>	<p><b>ORDER granting <u>589</u> Motion to Seal Exhibit 3 of ECF No. 584 as to Claud R. Koerber (1). Signed by Magistrate Judge Paul M. Warner on 5/30/2019. (mas)</b> (Entered: 05/30/2019)</p>
05/30/2019	<u>591</u>	<p>REDACTION by USA as to Claud R. Koerber to <u>589</u> MOTION to Seal Document /<i>Exhibit 3 of ECF No. 584</i> filed by USA, <u>590</u> Order on Motion to Seal Document, <u>584</u> Response (NOT to motion), filed by USA (Hackford–Peer, Ruth) (Entered: 05/30/2019)</p>
05/31/2019	592	<p>Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Pretrial Release Violation Hearing as to Claud R. Koerber held on 5/31/2019. Defendant present with counsel and in custody. Court advised the defendant of the allegations as stated in the petition and of procedure. The defendant DENIES the allegation in the petition.The court hears from counsel.The govt. calls their first witness, Annie Carr, USPO. Ms. Nester cross examines Govt. first witness.Defense calls their first witness, Greg Peterson, USPO.Second witness, John Belcher, brother in law to defendant. The court asks the witness a few questions.Third witness, Russell Skoussen, Utah attorney. Mr. Clark cross examines defense third witness. The court asks this witness a few questions. Ms. Nester redirects this witness. Mr. Clark, re–crosses this witnessFourth Witness, Morgan Philpot, attorney in Utah and Oregon. Mr. Clark cross examines the witness. Ms. Nester redirects this witness. The court asks this witness a few questions. Ms. Nester redirects this witness. Mr. Clark, re–crosses this witness.The court hears argument from both counsel.The court finds that the Govt. has met their burden of Probable Cause. The court hears from both counsel regarding the future detention status of the defendant. The</p>

		govt. seeks detention. The court REVOKES defendants Pretrial Release. The court orders the defendant detained and remanded to the USMS pending resolution of this matter. The court finds that the defendant is an ongoing danger to the community re: fraud and deception. Attorney for Plaintiff: Ruth Hackford–Peer and Aaron Clark, Attorney for Defendant: Kathy Nester and Daphne Oberg, FPD. Interpreter: Not Needed. Probation Officer: Annie Carr. Court Reporter: electronic/Patti Walker.(Time Start: 9:59:54 am, Time End: 1:55:49 am, Room 8.4.) (ksm) (Entered: 05/31/2019)
05/31/2019	<u>593</u>	<b>DOCKET TEXT ORDER OF DETENTION PENDING TRIAL as to Claud R. Koerber NOTE: Any future review of detention will remain with the magistrate judge who entered the first detention order, even if an order of referral to a different magistrate judge is entered on this defendant's case. No attached document. Signed by Magistrate Judge Paul M. Warner on 5/31/19.(ksm) (Entered: 05/31/2019)</b>
05/31/2019	<u>594</u>	Arrest on Violation Notice Warrant Returned Executed on 05/31/2019, filed on 06/03/2019 in case as to Claud R. Koerber. (tlh) (Entered: 06/03/2019)
06/05/2019	<u>595</u>	<b>ORDER Facilitating Attorney–Client Communication as to Claud R. Koerber. Signed by Magistrate Judge Paul M. Warner on 6/5/2019.(mas) (Entered: 06/05/2019)</b>
06/10/2019	<u>596</u>	MOTION for Extension of Time To File Objections with District Court filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Nester, Kathryn) (Entered: 06/10/2019)
06/10/2019	<u>597</u>	MOTION to Continue <i>Evidentiary Hearing</i> filed by Claud R. Koerber. Motions referred to Paul M. Warner.(Nester, Kathryn) (Entered: 06/10/2019)
06/11/2019	<u>598</u>	Plaintiff's MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>597</u> MOTION to Continue <i>Evidentiary Hearing</i> (Murray, Tyler) (Entered: 06/11/2019)
06/11/2019	<u>599</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Pretrial Release Violation Hearing as to Claud R. Koerber held on May 31, 2019 before Judge Paul M. Warner. Court Reporter/Transcriber Patti Walker, Telephone number 801–364–5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/2/2019. Redacted Transcript Deadline set for 7/12/2019. Release of Transcript Restriction set for 9/9/2019. (las) Modified by removing</p>

		restricted text on 9/9/2019 (rgj). (Entered: 06/11/2019)
06/12/2019	<u>601</u>	<b>ORDER</b> granting <u>596</u> Motion for Extension of Time to File Objections to Detention Order as to Claud R. Koerber (1); granting <u>597</u> Motion to Continue Evidentiary Hearing as to Claud R. Koerber (1). The evidentiary hearing is rescheduled for July 25–26, 2019. The hearing will begin promptly at 9:00 a.m. on July 25, 2019. See Order for Details. Signed by Magistrate Judge Paul M. Warner on 6/12/2019. (mas) (Entered: 06/12/2019)
06/12/2019	602	<b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by PMW Chambers): Evidentiary Hearing set for 7/25/2019 at 09:00 AM in Rm 7.100 before Magistrate Judge Paul M. Warner. (mas) (Entered: 06/12/2019)
07/03/2019	<u>606</u>	Supplement to Prior Request for an Evidentiary Hearing Prior to Sentencing re <u>560</u> MOTION for an Evidentiary Hearing Prior to Sentencing filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1 – List of Victims, # <u>2</u> Exhibit 2 – Investor Cash Gain/Loss Calculation) Motions referred to Paul M. Warner.(Nester, Kathryn) Modified on 7/5/2019 corrected text(las). (Entered: 07/03/2019)
07/05/2019	607	MODIFICATION OF DOCKET as to Claud R. Koerber Error: Document filed incorrectly. Correction: Corrected text to show document is a Supplement to the Request for an Evidentiary Hearing. re <u>606</u> Supplemental MOTION for Hearing re <u>560</u> MOTION for an Evidentiary Hearing Prior to Sentencing (las) (Entered: 07/05/2019)
07/17/2019	<u>611</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>560</u> MOTION for an Evidentiary Hearing Prior to Sentencing – <i>Evidentiary Submission Regarding Loss Amount for Sentencing</i> (Attachments: # <u>1</u> Appendix Table of Contents, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 6A, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14, # <u>17</u> Exhibit 15, # <u>18</u> Exhibit 16, # <u>19</u> Exhibit 17, # <u>20</u> Exhibit 18, # <u>21</u> Exhibit 19, # <u>22</u> Exhibit 20, # <u>23</u> Exhibit 21, # <u>24</u> Exhibit 22, # <u>25</u> Exhibit 23, # <u>26</u> Exhibit 24, # <u>27</u> Exhibit 25, # <u>28</u> Exhibit 26, # <u>29</u> Exhibit 27, # <u>30</u> Exhibit 28, # <u>31</u> Exhibit 29, # <u>32</u> Exhibit 30, # <u>33</u> Exhibit 31, # <u>34</u> Exhibit 32, # <u>35</u> Exhibit 33, # <u>36</u> Exhibit 34, # <u>37</u> Exhibit 35)(Murray, Tyler) (Entered: 07/17/2019)
07/17/2019	<u>612</u>	MOTION for Review of Detention filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit 1–Jewel Franklin Declaration, # <u>2</u> Exhibit 2–Attorney Declarations, # <u>3</u> Exhibit 3–Client Declarations, # <u>4</u> Exhibit 4–Oregon Filing, # <u>5</u> Exhibit 5–Email)(Nester, Kathryn) (Entered: 07/17/2019)
07/19/2019	<u>613</u>	ERRATA by USA as to Claud R. Koerber to <u>611</u> Response to Motion,, filed by USA (Attachments: # <u>1</u> Exhibit 33)(Murray, Tyler) (Entered: 07/19/2019)
07/22/2019		MOTIONS as to Claud R. Koerber <u>612</u> MOTION for Review of Detention . Referred to Chief Magistrate Judge Paul M. Warner. (jwt) (Entered: 07/22/2019)
07/22/2019	615	Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Miscellaneous Hearing as to Claud R. Koerber held on 7/22/2019. Counsel for both parties present. Defendant not present and not needed. The court hears from both counsel. Per request of counsel, the court vacates the Evidentiary



		hearing scheduled for July 25 and July 26. The court sets the following schedule. The Defendant has until August 9 to file sentencing submission. The Govt. will have 7 days from the date of defendants submission to file a response. The govt. has until August 6 to respond the defendants motion for review of detention. Attorney for Plaintiff: Tyler Murray, Attorney for Defendant: Kathy Nester, FPD. Interpreter: Not Needed. Probation Officer: N/A. Court Reporter: N/A. (ksm) (Entered: 07/23/2019)
07/22/2019	616	AMENDED Minute Entry for proceedings held before Magistrate Judge Paul M. Warner: Miscellaneous Hearing as to Claud R. Koerber held on 7/22/2019. Counsel for both parties present. Defendant not present and not needed. The court hears from both counsel. Per request of counsel, the court vacates the evidentiary hearing scheduled for July 25 and 26, 2019. The court sets the following schedule. Defendant shall have until August 9, 2019, to file his memorandum regarding loss amount. The USA shall have 7 days from the date of Defendant's submission to file a response. The USA shall have until August 6, 2019, to respond the Defendant's motion for review of detention. The court extends the date for Defendant to object to the May 31, 2019 detention order. Defendant shall have until August 23, 2019, to file any such objections. Attorney for Plaintiff: Tyler Murray, Attorney for Defendant: Kathy Nester, FPD. Interpreter: not needed. Probation Officer: not needed. Court Reporter: not needed. (jcd) (Entered: 07/26/2019)
07/23/2019	614	<b><u>NOTICE VACATING Evidentiary Hearing HEARING</u></b> as to Claud R. Koerber set for July 25, 2019 at 9:00 am before Judge Paul M. Warner (Notice generated by PMW chambers) (ksm) (Entered: 07/23/2019)
07/26/2019	617	<b>DOCKET TEXT ORDER as to Claud R. Koerber: The parties are hereby notified that the loss amount will be formally determined by Judge Block at the sentencing hearing. Because the evidentiary hearing has been vacated, there will be no report and recommendation issued by Magistrate Judge Warner. No attached document. Signed by Judge Frederic Block on 7/26/2019.(mas)</b> (Entered: 07/26/2019)
07/29/2019	<u>618</u>	NOTICE of VICTIM/WITNESS COORDINATOR by USA as to Claud R. Koerber (Clark, Aaron) (Entered: 07/29/2019)
08/05/2019	<u>620</u>	MEMORANDUM in Opposition by USA as to Claud R. Koerber re <u>612</u> MOTION for Review of Detention (Attachments: # <u>1</u> Exhibit 1 excerpt re Wyoming, # <u>2</u> Exhibit 2 Fish contempt, # <u>3</u> Exhibit 3 Extract From Oregon Show Cause Order, # <u>4</u> Exhibit 4 Skousen Law, PLLC – Contact Us, # <u>5</u> Exhibit 5 Koerber LLC Investigative Report, # <u>6</u> Exhibit 6 Egan Interview Report, # <u>7</u> Exhibit 7 Elwood Interview Report)(Hackford–Peer, Ruth) (Entered: 08/05/2019)
08/06/2019	<u>621</u>	REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>612</u> MOTION for Review of Detention (Attachments: # <u>1</u> Exhibit 1– Landlord Letter)(Nester, Kathryn) (Entered: 08/06/2019)
08/16/2019	<u>622</u>	Defendant's MEMORANDUM re: <u>611</u> Response to Motion,,, filed by USA filed by Claud R. Koerber (Attachments: # <u>1</u> Exhibit 1– Gov Ex 21 list of investors, # <u>2</u> Exhibit 2–Magazine Article, # <u>3</u> Exhibit 3–Clavell Anderson Testimony, # <u>4</u> Exhibit 4–Isom Testimony, # <u>5</u> Exhibit 5–Hardman Spreadsheet, # <u>6</u> Exhibit 6–Vonco Judgment and Writ, # <u>7</u> Exhibit

		7–Bouchard Judgment)(Nester, Kathryn) (Entered: 08/17/2019)
08/17/2019	<u>623</u>	REPLY TO RESPONSE to Motion by Claud R. Koerber re <u>560</u> MOTION for an Evidentiary Hearing Prior to Sentencing (Attachments: # <u>1</u> Exhibit 1– Gov Ex 21 list of investors, # <u>2</u> Exhibit 2–Magazine Article, # <u>3</u> Exhibit 3–Clavell Anderson Testimony, # <u>4</u> Exhibit 4–Isom Testimony, # <u>5</u> Exhibit 5–Hardman Declaration and Spreadsheet, # <u>6</u> Exhibit 6–Vonco Judgment and Writ, # <u>7</u> Exhibit 7–Bouchard Judgment)(Nester, Kathryn) (Entered: 08/17/2019)
08/20/2019	<u>624</u>	<b>MEMORANDUM DECISION AND ORDER denying <u>612</u> Motion for Review of Detention as to Claud R. Koerber (1). Signed by Magistrate Judge Paul M. Warner on 8/20/2019.(las)</b> (Entered: 08/20/2019)
08/23/2019	<u>625</u>	MOTION for Review of Detention by District Judge filed by Claud R. Koerber. (Nester, Kathryn) (Entered: 08/23/2019)
08/30/2019	<u>626</u>	RESPONSE re <u>622</u> Memorandum, <i>REPLY IN SUPPORT OF EVIDENTIARY SUBMISSION ON LOSS AMOUNT</i> filed by USA as to Claud R. Koerber (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Appendix Table of Contents)(Murray, Tyler) (Entered: 08/30/2019)
09/06/2019	627	<b>NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by clerks office) Sentencing set for 10/15/2019 at 02:00 PM in Rm 1.100 (Clerk's Office) before Judge Frederic Block. (las) (Entered: 09/06/2019)
09/16/2019	628	<b>AMENDED NOTICE OF HEARING</b> as to Claud R. Koerber (Notice generated by clerks office). Sentencing set for 10/15/2019 at 02:00 PM in Rm 3.100 before Judge Frederic Block. NOTE: Only change was to add the courtroom number. (las) (Entered: 09/16/2019)
09/25/2019	<u>629</u>	Amended MOTION to Revoke <i>Detention Order</i> filed by Claud R. Koerber. (Attachments: # <u>1</u> Exhibit Exhibit List, # <u>2</u> Exhibit 1–Transcript of May 31 hrg, # <u>3</u> Exhibit 2–Jewel Franklin Dec. w/Attachments, # <u>4</u> Exhibit 3 – Government emails, # <u>5</u> Exhibit 4–Philpot bank records, # <u>6</u> Exhibit 5–Attorney Declarations, # <u>7</u> Exhibit 6–Koerber resume to Judge Brown, # <u>8</u> Exhibit 7–Judge Brown emails, # <u>9</u> Exhibit 8–Mishmash Docs, # <u>10</u> Exhibit 9–Runyan Dec., # <u>11</u> Exhibit 10–Real Prop. Mgt. Docs, # <u>12</u> Exhibit 11–Fryberger updated file, # <u>13</u> Exhibit 12–Client declarations) Motions referred to Paul M. Warner.(Nester, Kathryn) (Entered: 09/25/2019)
10/01/2019	<u>630</u>	RESPONSE to Motion by USA as to Claud R. Koerber re <u>629</u> Amended MOTION to Revoke <i>Detention Order</i> (Hackford–Peer, Ruth) (Entered: 10/01/2019)
10/03/2019	<u>631</u>	Governments Position with Respect to Sentencing Factors as to Claud R. Koerber (Murray, Tyler) (Entered: 10/03/2019)
10/08/2019	<u>633</u>	Defendants Position with Respect to Sentencing Factors as to Claud R. Koerber (Nester, Kathryn) (Entered: 10/08/2019)

10/08/2019	<u>634</u>		OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Claud R. Koerber (Nester, Kathryn) (Entered: 10/08/2019)
10/10/2019	<u>636</u>		RESPONSE re <u>634</u> Objection to Presentence Investigation Report <i>REGARDING ALLEGED ANTI-RELIGIOUS BIAS</i> filed by USA as to Claud R. Koerber (Murray, Tyler) (Entered: 10/10/2019)
10/15/2019	638		<p>Minute Entry for proceedings held before Judge Frederic Block: Sentencing held on 10/15/2019 for Claud R. Koerber (1). Discussion and argument heard regarding <u>508</u> MOTION for Declaration of Mistrial filed by Claud R. Koerber. The Court <b>DENIES</b> the motion. Arguments heard and rulings made regarding objections to the PSR. Discussion and argument heard regarding sentencing. Count(s) 1-4, 15-16, 5-13, Defendant was found guilty after trial.</p> <p><b>SENTENCE:</b> BOP 170 months. Supervised release 36 months with all standard conditions of release and the following special conditions: 1. The defendant is to inform any employer or prospective employer of current conviction and supervision status. 2. The defendant shall refrain from incurring new credit charges or opening additional lines of credit unless in compliance with any established payment schedule and obtains the approval of the probation office. 3. The defendant shall provide the U.S. Probation Office complete access to all business and personal financial information. 4. The defendant shall not transfer, sell, give away, or otherwise convey any asset with a value of \$500 or more without the approval of the U.S. Probation Office. 5. The defendant shall not be employed by, affiliated with, own or control, or otherwise participate, directly or indirectly, in the businesses of real estate investments or investment consulting without the approval of the U.S. Probation Office. 6. The defendant shall apply all monies received from income tax refunds, lottery winnings, settlements, judgments, and/or anticipated or unexpected financial gains to outstanding Court-ordered financial obligations. 7. The defendant shall be placed on the State finder and Treasury Offset programs, requiring any state and federal tax refunds be intercepted for purposes of Court ordered financial obligations. 8. The defendant shall notify the probation office and the Office of the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay Court-ordered financial obligations. The defendant shall also notify the probation office and the Office of the United States Attorney of any loss of employment or increase or decrease of income. 9. The defendant shall notify the U.S. Probation Office within 72 hours of acquiring or changing any type of communications device, including pagers, cellular telephones, personal telephones, business telephones, electronic mail addresses, or web addresses. 10. The defendant shall not enter into any self-employment while under supervision without prior approval of the U.S. Probation Office.</p> <p>No fine. SPA \$1500.00 (\$100.00 per guilty count). Restitution \$45,258,892.09. The Court will recommend to the BOP the following: 1. The defendant be designated to FCI Taft or FCI Englewood to facilitate family visitations. Appeal rights are stated by the Court. The defendant requests release pending a forthcoming appeal. The Court denies the request and the matter can be brought before the 10th Circuit during the appeal process. The defense states they object to the reasonableness of the sentence imposed. Court</p>

			is adjourned.  Attorney for Plaintiff: Tyler Murray, Aaron Clark, Ruth Hackford–Peer, Attorney for Defendant: Kathryn Nester, Robert Hunt, Daphne Oberg, Jessica Stengel, Scott Wilson, Public Defender. Interpreter: None. Probation Officer: Mary Schuman. Court Reporter: Kelly Hicken. (rlr) (Entered: 10/16/2019)
10/18/2019	<u>640</u>	88	<b>JUDGMENT as to Claud R. Koerber (1), Count(s) 1–4, 15–16, 5–13, Defendant was found guilty after trial. BOP 170 months. Supervised release 36 months with standard and special conditions. No fine. SPA \$1500.00. Restitution \$45,258,892.09; Count(s) 14, Dismissed; Count(s) 17–18, Defendant found not guilty at trial. Defendant Termed. Case Closed. Magistrate Judge Paul M. Warner no longer assigned to case. Signed by Judge Frederic Block on 10/18/2019.(las) (Entered: 10/18/2019)</b>
10/18/2019	<u>642</u>		<b>**SEALED DOCUMENT** RESTITUTION LIST re <u>640</u> Judgment, as to Claud R. Koerber (las) (Entered: 10/18/2019)</b>
10/22/2019	<u>643</u>		NOTICE OF ATTORNEY APPEARANCE: Bretta Pirie appearing for Claud R. Koerber (Pirie, Bretta) (Entered: 10/22/2019)
10/22/2019	<u>644</u>	95	NOTICE OF APPEAL by Claud R. Koerber re <u>640</u> Judgment,. Appeals to the USCA Tenth Circuit. No Filing Fee. (Pirie, Bretta) (Entered: 10/22/2019)

## UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

CLAUD R. KOERBER

## JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:17cr00037-001 FB

USM Number: 16324-081

Kathy Nester, Public Defender

Defendant's Attorney

## THE DEFENDANT:

- ☐ pleaded guilty to count(s) \_\_\_\_\_
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☒ was found guilty on count(s) 1-13 & 15-16  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
15§77q(a) and 77x	Fraud in the Offer and Sale of Securities (Securities Fraud)		1-4
18§1343	Wire Fraud		5-13
18§1957	Money Laundering		15-16

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☒ The defendant has been found not guilty on count(s) 17-18 of the Indictment
- ☒ Count(s) 14 ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/15/2019

Date of Imposition of Judgment

Signature of Judge

Honorable Frederick Block, U.S. District Judge

Name and Title of Judge

Date



DEFENDANT: CLAUD R. KOERBER  
CASE NUMBER: DUTX2:17cr00037-001 FB

### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

170 MONTHS

☒ The court makes the following recommendations to the Bureau of Prisons:

1. The defendant be designated to FCI Taft or FCI Englewood to facilitate family visitations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: CLAUD R. KOERBER  
CASE NUMBER: DUTX2:17cr00037-001 FB

### SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

36 MONTHS

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: CLAUD R. KOERBER  
CASE NUMBER: DUTX2:17cr00037-001 FB

### SPECIAL CONDITIONS OF SUPERVISION

1. The defendant is to inform any employer or prospective employer of current conviction and supervision status.
2. The defendant shall refrain from incurring new credit charges or opening additional lines of credit unless in compliance with any established payment schedule and obtains the approval of the probation office.
3. The defendant shall provide the U.S. Probation Office complete access to all business and personal financial information.
4. The defendant shall not transfer, sell, give away, or otherwise convey any asset with a value of \$500 or more without the approval of the U.S. Probation Office.
5. The defendant shall not be employed by, affiliated with, own or control, or otherwise participate, directly or indirectly, in the businesses of real estate investments or investment consulting without the approval of the U.S. Probation Office.
6. The defendant shall apply all monies received from income tax refunds, lottery winnings, settlements, judgments, and/or anticipated or unexpected financial gains to outstanding Court-ordered financial obligations.
7. The defendant shall be placed on the State finder and Treasury Offset programs, requiring any state and federal tax refunds be intercepted for purposes of Court ordered financial obligations.
8. The defendant shall notify the probation office and the Office of the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay Court-ordered financial obligations. The defendant shall also notify the probation office and the Office of the United States Attorney of any loss of employment or increase or decrease of income.
9. The defendant shall notify the U.S. Probation Office within 72 hours of acquiring or changing any type of communications device, including pagers, cellular telephones, personal telephones, business telephones, electronic mail addresses, or web addresses.
10. The defendant shall not enter into any self-employment while under supervision without prior approval of the U.S. Probation Office.

DEFENDANT: CLAUD R. KOERBER  
CASE NUMBER: DUTX2:17cr00037-001 FB**STANDARD CONDITIONS OF SUPERVISION**

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.
14. You must submit your person, residence, office or vehicle to search, conducted by the probation office at a reasonable time and in a reasonable manner based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; you must warn any other residents that the premises may be subject to searches pursuant to this condition.

**U.S. Probation Office Use Only**

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_



DEFENDANT: CLAUD R. KOERBER  
CASE NUMBER: DUTX2:17cr00037-001 FB**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	\$ 1,500.00	\$ 45,258,892.09	\$ 0.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
***SEE SEPARATE RESTITUTION LIST***	\$45,258,892.09	\$45,258,892.09	

<b>TOTALS</b>	\$	<u>45,258,892.09</u>	\$	<u>45,258,892.09</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT: CLAUD R. KOERBER  
CASE NUMBER: DUTX2:17cr00037-001 FB

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 1,500.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The defendant shall pay the greater of \$25 per quarter or 50% of his income while incarcerated. If the defendant receives more than \$200 from any outside source in any given month during the period of incarceration, all funds received in excess of \$200 that month shall be paid toward restitution. The defendant shall pay restitution at a minimum rate of \$500 per month upon release from incarceration.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Case Number  
Defendant and Co-Defendant Names  
(including defendant number)

Total Amount

Joint and Several  
Amount

Corresponding Payee,  
if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

SCOTT KEITH WILSON, Federal Public Defender (#7347)  
 BRETTA PIRIE, Assistant Federal Defender (# 10093)  
 FEDERAL PUBLIC DEFENDER  
 DISTRICT OF UTAH  
 Attorney for Defendant  
 46 West Broadway, Suite 110  
 Salt Lake City, Utah 84101  
 Telephone: (801) 524-4010  
 Fax: (801) 524-4060

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IN THE UNITED STATES DISTRICT COURT  
 DISTRICT OF UTAH, CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>v.</p> <p>CLAUD R. KOERBER,</p> <p>Defendant.</p>	<p>NOTICE OF APPEAL</p> <p>Case No. 2:17-CR-37 FB</p>
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Defendant, Claud R. Koerber, by and through his Attorney Bretta Pirie Assistant Federal Public Defender, and pursuant to Rule 4(b) of the Federal Rules of Appellate Procedure, hereby gives notice of his appeal of the final judgment of this court, entered in this action on the 18th day of October, 2019, to the United States Court of Appeals for the Tenth Circuit.

RESPECTFULLY SUBMITTED this 22nd day of October, 2019.

/s/ **Bretta Pirie**  
 Assistant Federal Public Defender